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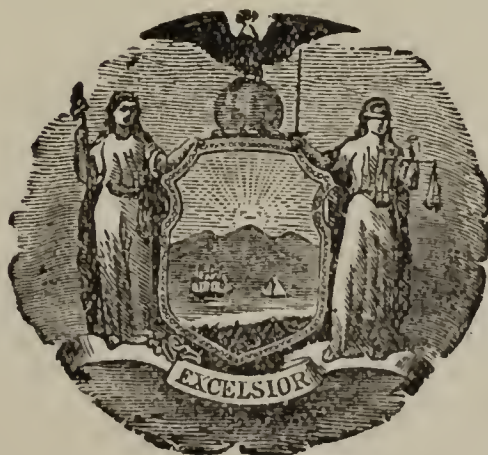
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DOCUMENTS
OF THE
ASSEMBLY

OF THE
STATE OF NEW YORK,
AT THEIR
ONE HUNDRED AND EIGHTEENTH SESSION.

1895.

VOLUME XXIV — No. 107 — PART II.



ALBANY:
JAMES B. LYON, STATE PRINTER.
1895.

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THE
COLONIAL LAWS
OF
NEW YORK

FROM THE
YEAR 1664 TO THE REVOLUTION,

INCLUDING THE
CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND IN-
STRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS,
THE LAWS OF THE DONGAN AND LEISLER ASSEM-
BLIES, THE CHARTERS OF ALBANY AND NEW
YORK AND THE ACTS OF THE COLO-
NIAL LEGISLATURES FROM 1691
TO 1775 INCLUSIVE.

VOLUME II.

TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY
REVISION, PURSUANT TO CHAPTER 125 OF THE LAWS OF 1891.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1894.

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THE SEVENTEENTH ASSEMBLY.

Eighth Session.

(Begun Oct. 13, 1720, 7 George I, William Burnet, Governor.)

[CHAPTER 385.]

[Chapter 385, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201. See chapter 357. Repealed by chapter 419.]

An Act for Continuing an Act of General Assembly entituled an Act for the better Settling the Militia of this Province and making it more Useful for the Security and defence thereof.

[Passed November 19, 1720.]

Be it Enacted by the Gov'r Council and Assembly and it is hereby Enacted by the Authority of the Same That one Act of General Assembly entituled an Act for the better Settling the Militia of this Province and making it more Useful for the Security and defence thereof made in the first Year of the reign of her late Ma'ty Queen Anne of blessed Memory Shall be of force from the first day of November One Thousand Seven hundred and Twenty until the first day of November, which will be in the Year of our Lord One Thousand Seven hundred and Twenty One.

[CHAPTER 386.]

[Chapter 386, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201. See chapter 270. Expired June 1, 1721. So far as relates to Suffolk County revived by chapter 404.]

An Act for Reviving an Act of General Assembly entituled an Act for the further laying out, Regulating and better Cleering Publick highways thro' out this Colony.

[Passed November 19, 1720.]

BE it Enacted by the Governour Council and Assembly and it is hereby Enacted by the authority of the Same, That one Act of General Assembly entituled an Act for the further laying out Regulating and better Cleering Publick highways thro' out this Colony made in

the Twelfth Year of the Reign of the late Queen, expired by its owne Limitation, Shall be of Force from the Publication hereof untill the first day of June, which will be in the Year of our Lord One Thousand Seven hundred and Twenty One.

Provided always and be it hereby Enacted by the Authority aforesaid, that the Inhabitants of Queens County be and are hereby exempted and excluded from the benefit of the said Act, and that neither the said Act nor any Clause Paragraph or thing therein Contained, Shall be Construed to Extend to the Inhabitants of Queens County or any of them any thing in this Act or any other Act to the Contrary hereof in any wise notwithstanding.

[CHAPTER 387.]

[Chapter 387, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201.]

An Act appointing the Several Persons therein named and appointed to let to Farme the Excise of Strong Liquors in the Several Cities and Counties within this Province.

[Passed November 19, 1720.]

WHEREAS by an act of General Assembly of this Colony made in the twelfth year of her late Ma'tys Reign Entituled an act for laying an Excise on all Strong Liquors Retailed in this Colony it is amongst other things Enacted that there Shall be given and Granted unto his Majesty his Heirs and Successors from the first Day of November in the Year of our Lord one Thousand Seven hundred and fourteen, until the first day of November which Shall be in the Year of our Lord one Thousand Seven hundred and Thirty four, for the use in the Said Act mentioned and Expressed, an Excise upon all Strong Liquors Retailed thro' out this Colony, under the quantity of five Gallons (Beer and Sider only Excepted) towitt the Eighth part of an Ounce Sevil Pillar or Mexico Plate for every Gallon So retailed and three quarters OF an Ounces of the said Plate, for every Barrel of Beer or Sider, to the end therefore that the Said Duty of Excise may be Ordered Colected and managed to the Best advantage for and towards the uses in the said Act Expressed.

Be it Enacted by the Governour Council and General Assembly and by the Authority of the Same, that the Persons hereinafter Named Shall be and are hereby appointed Commissioners for two Years next ensuing to Commence from the first Day of November

one Thousand Seven hundred and Twenty, to let the said Excise to Farme thro' out the Cities and Countys of this Colony for which they Shall be Named, that is to Say.

For the City and County of New York David Provoost John Jansen and John Cruger.

For the City and County of Albany Phillip Livingston and Thomas Williams.

For the County of Suffolk Ebenezer Plat Esq'r.

For Queens County Coll. Isaac Hicks.

For Kings County Maj'r Cornelis Sebringh.

For the County of West Chester Capt Joseph Budd.

For the County of Ulster Maj'r John Hardenbergh and John Crooke Junior.

For Dutchess County Coll Leonard Lewis.

For Richmond County Abraham Lakerman Esq'r.

For the County of Orange Peter Haring and Cornelis Cuyper Esq'rs.

AND be it further Enacted by the Authority aforesaid, that the Said Commissioners for the Citys & Counties for which they are Named are hereby required authorized and Impowered to let to Farme the aforesaid Excise in their Respective Citys and Countys to the Several Retailers of Strong Liquors dwelling within the Same on the first Tuesday in November or at any time thereafter, for the most Sum or Sums of Money the said Commissioners can gett for the Greater Increase of the Said Excise granted by the said Act, Publick Notice Shall be first Given of the time and Place where Such Farming is appointed to be made, by fixing Advertisements thereof in the Most publick place in every respective CITY, County, Town, Mannor and precincts Ten days before the time the Same is to be Farmed as aforesaid, and the Said Commissioners are hereby required to See that good and Sufficient Securitys by Recognazances be given by all and every Person or Persons that Shall Farme the Same as aforesaid, Conditioned that they pay the Same every half Year by equal & even payments into the hands of the respective Commissioners that Shall let the Same, who are hereby appointed to receive the Same, and in two Months after the Excise shall be Farmed to give the Treasurer of this Colony a true Account of the Sum and Sums it has been Farmed for according to the Intent of this Act.

AND be it further Enacted by the Authority aforesaid that it Shall and may be Lawful to and for the Said Commissioners respectively

to Examine upon Oath every Retailer they Shall respectively agree with for the Excise as aforesaid, what they paid formerly for the Same.

AND be it further Enacted by the authority aforesaid that the Said Commissioners are respectively hereby required & Impowered TO Sue all and every Such Retailer and Retailers, their Surety and Suretys, that Shall not Duly pay the Sum & Sums of Money, he She or they have agreed to pay for the Excise aforesaid, at the time and times in their Several Recognizances mentioned and Exprest before any three of His Majesties Justices of the Peace, and whereof to be of the Quorum of the City or County where Such Retailer or Retailers doe reside who are hereby required authorized and Impowered to make out Process against Such Retailer to hear and Finally Determine the Same and award Execution upon his, her, or their Recognizance or Recognizances, against the goods and Chattles, Lands and Tenements of the Said Retailer or Retailers, his, her or their Surety or Suretys, any Law Usage or Custome to the Contrary hereof any ways notwithstanding.

AND be it further Enacted by the Authority aforesaid That the said Commissioners and every of them do enter into Bond or Recognizances to his Majesty his heires and Successors, at or before the fifteenth Day of November next, with Sufficient Suretys to be aproved of by any two of his Majestys Justices of the Peace in any of the respective Citys and Countys within this Colony, where the said Commissioners do Inhabit of and for which they are appointed Commissioners in the Summs hereafter mentioned that is to say.

For the City and County of New York the Sum of Twelve hundred pounds.

For the City and County of Albany the Sum of three hundred Pounds.

For the County of Ulster the Sum of Sixty Pounds.

For Dutchess County the Sum of Twenty Pounds.

For Orange County the Sum of Twenty Pounds.

For WestChester County the Sum of Sixty Pounds.

For the County of Richmond the Sum of Sixty Pounds.

For Kings County the Sum of Sixty Pounds.

For Queens County the Sum of one hundred and fifty Pounds.

And for Suffolk County the Sum of One hundred and fifty Pounds with Condition that they pay Every half Year by Even & Equal payments into the hand of the Treasurer of this Colony for the time BEING who is hereby appointed to receive the Same, all Such Sum

and Sums of Money as they Shall have respectively receiv'd for the Excise aforesaid within Thirty Days after the Same is Come respectively to their or either of their hands together with an Exact Account of what is not by them received and for which they have put the Recognizances in Suit if any there be, which when recovered they are fourthwith to pay into the Said Treasurer in Manner aforesaid.

AND be it further Enacted by the Authority aforesaid, that the Said Commissioners and every of them Shall and may retain in his and their hands out of the Money arising by the Said Duty of Excise for their trouble and Service the Sum of Ten p'r Cent.

AND be it further Enacted by the Authority aforesaid, That if any of the respective Commissioners appointed by this Act Shall dye, Deny or refuse to Serve, then it Shall and may be Lawfull for the Mayors and Aldermen within the Citys and Countys of New York and Albany and the Justices of the Peace in the Several Countys within this Colony or the Major part of them under their hands and Seals TO appoint other Commissioners in their Stead, & the Commissioners So appointed Shall have the Same power and Authority as the Commissioners hereinbefore appointed untill the Governour Council and Assembly Shall either Confirm them or appoint others.

[CHAPTER 388.]

[Chapter 388, of Livingston & Smith and Van Schaack where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 197.]

An Act directing and appointing the
vallue that Lyon Dollars shall Pass Current for
within this Province.

[Passed November 19, 1720.]

BE it Enacted by the Governour Council and General Assembly, and it is hereby Enacted by the authority of the same, that every Lyon Dollar of the Weight of Seventeen Penny weight and not Counterfeit shall from and after the Publication hereof be taken received and paid, and pass Current at the rate and be of Equal value to Fifteen Penny Weight of Sevil Pillar or Mexico Plate, and the Treasurer of this Colony and all other Persons are hereby Directed and required to take and receive the Same at the said value of Fifteen Penny weight of Plate aforesaid. Any Law Custome or Usage to the Contrary hereof in any wise notwithstanding.

[CHAPTER 389.]

[Chapter 389, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 198.]

An Act to Impower the Justices of the Peace in the County of West Chester to Assign a Place to Build a Court House and Jail for that County.

[Passed November 19, 1720.]

WHEREAS the Justices of the Peace for the County of West Chester are in and by one Act of General Assembly entituled an Act to Authorize the Justices of the Peace to Build and repair Jails and Court Houses in the Several Countys of this Province made in the fifth Year of the reign of his Majesty King George Authorized and Impowered at the General Sessions of the Peace held for that County, to direct their Warrants for Levying and Collecting Such Sum and Sums of Money as Shall be thought necessary for the Building and repairing publick Jail or Jails or Court House, and the Justices for the said County having not agreed on the Place where Such Jail or Court House for the said County shall be built:

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the Justices Of the Peace in the Said County or the Major part of them at Such time or times as they Shall think fit after the publication of this Act are hereby Authorized, Impowered and required to agree upon Nominate and Assign Some Convenient Place within the Said County to Erect and Build a Court House and Jaile for the Use of the said County of West Chester any Law Usage or Custome to the Contrary in any Wise notwithstanding.

[CHAPTER 390.]

[Chapter 390, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 197. See chapter 269. Revived by chapter 510.]

An Act for reviving An Act of General Assembly entituled an Act for Mending and keeping in repair the Post Road from New York to Kings Bridge.

[Passed November 19, 1720.]

BE it Enacted by the Governour Council and Assembly and it is hereby Enacted by the Authority of the Same, That one Act

of General Assembly entituled an Act for Mending and keeping in repair the Post Road from New York to Kings Bridge passed in the Twelfth Year of the reign of her late Majesty Queen Anne Expired by its Own Limittation Shall be of fforce from the Publication hereof untill the first day of May which Shall be in the Year of our Lord one Thousand Seven hundred Twenty Eight, and no Longer.

[CHAPTER 391.]

[Chapter 391, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Repealed by Chapter 507.]

An Act Prohibiting all Persons but
Robert Lettis Hooper and his Assigns To
Refine Sugar during the Term therein
Mentioned

[Passed November 19, 1720.]

Whereas Coll. Robert Lettis Hooper having by his Petition Set forth the great expence he hath been at to prepare and make Conveniences to refine Sugar which has not been Essayed by any Person within this Province of New York, and prayed that the General Assembly of this Colony would Encourage his so expensive and usefull an undertaking, by passing an Act that no Person within this Province may be permitted to refine Sugar for a certain term of Years but him the said Robert Lettis Hooper and his Assigns in order therefore to give the said Robert Lettis Hooper Suitable encouragement to proceed in bringing to perfection the said manufacture.

Be it Enacted, by the Governour Council and Assembly and it is hereby Enacted by the Authority of the Same That no Person or Persons whatsoever except the said Robert Lettis Hooper or his Assigns from and after the Publication of this Act Shall or may refine Sugar in this Colony for Publick Sale, for and during the Term of ten Years to begin and Commence from the Publication of this present Act and any Person or Persons who Shall refine any Sugar in this Colony and Shall expose to Sale any of the said refined Sugar within the time and term herein Mentioned and expressed whereby the true Intent and meaning of this Act Shall be frustrated, Shall for every Such offence forfeit the Sum of fifty Pounds current money of the said Province to be recovered by the said Robert Lettis Hooper or his Assigns by Action of Debt Bill, Complaint or Information in any Court of Record

within this Province, in which there Shall be no Essoine Protection or wager of Law, allowed or any more than one Imparliance.

Provided always and it is hereby further Enacted, that if the said Robert Lettis Hooper, or his Assigns Shall neglect Relinquish or give over the refining Sugar within said Term as aforesaid, that then and in Such Case it Shall and may be Lawfull for any other Person or Persons to use the Art Trade or Mistery of Refining Sugar, without incurring the penalty mentioned in this Act any thing thereof to the contrary in any wise notwithstanding.

[CHAPTER 392.]

[Chapter 392, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 198. See chapter 465. Livingston & Smith and Van Schaack state that this act was repealed by the king December 11, 1729.]

An Act for the Encouragement of the
Indian Trade and rendring of it more bene-
ficiall to the Inhabitants of this Province and
for Prohibiting the Selling of Indian Goods
to the French

[Passed November 19, 1720.]

WHEREAS it is found by Experience that the French of Canada by meanes of Indian Goods Purchased from the Inhabitants of this Province have not only almost wholly Engross'd the Indian Trade to themselves but have in great Measure withdrawne the Affections of the five Nations of Indians from the Inhabitants of this Province and rendred them Wavering in their faith and Aliegance to his Majesty and will if Such trade be not prevented alltogether Alienate the minds of the Said Indians, which will prove of the most dangerous Consequence to the English Interest in America. In order therefore to prevent the Same, be it Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That it Shall not be Lawfull for any Person whatsoever within this Government directly or Indirectly to treat trade bargain with Sell or deliver to any Subject of the French Kings or to any PERSON or Persons whatsoever for or on the behalf of any Such Subject any of the Cloaths knowne by the Name of Stroud waters, Duffales or Trucking Cloth, Indian blankets, Indian Coates, halfthicks, Gunns Kettles Stokins, Shirts, flints Steeles, all blades, Swords, pistoles, Powder, Lead or any other Goods or

Commodities Commonly Called or knowne by the Name of Indian Goods or Commodities, or taken deemed Esteemed or Understood to be Indian Goods or Commodities.

AND be it further Enacted by the Authority afforesaid, that Every Person whatsoever within this Colony or that Shall hereafter be within this Colony who Contrary to the Meaning and Intent of this Act Shall directly or Indirectly treat, Trade, bargain with, Sell or deliver to any Subject of the French Kings or to any other Person or Persons for or on the behalfe or to the Use of any Such Subject, any of the Indian Goods or Commodities herein before Mentioned, meant, or Intended by this Act to be Prohibited Shall for every Such Offence forfeit all and every the Goods and Commodities so treated, Traded for Bargained for, Sold or Delivered, as also the Sum of One hundred pounds Current Money of this Colony to be recovered before any two Justices of the Peace within this Colony, Mayor of the City of Albany or Commanding officer of the Garrison of Albany Scenectady or FORT Hunter upon the Oath of one or more of the discoverers or other Credible witness or Witnesses, by any person that will discover and Sue for the Same to be Applyed as follows, vizt. the one half or Moity of the fine of one hundred Pounds for the behoof of his Majesty for Building and Repairing the Fortifications of this Colony, and the other half or Moyety of the said fine of one hundred Pounds, together with all the Goods or Commodities So Prohibited and discovered to the Sole Use benefit and behoof of Such Person who Shall discover and Sue for the Same as aforesaid.

AND be it Enacted by the Authority aforesaid that any of the Goods or Commodities hereinbefore Mentioned or Meant and Intended by this Act to be prohibited, that Shall be found upon the Body of any Person whatsoever or in the Possession House, Barne, Stable, Barrack, out house, Hay or Corne Rick, or Stack, Boate Sloop Canoe Float, Rift or any water Carriage whatsoever, or upon a Horse Ox or any Beast whatsoever of Carriage or in a Waggon, Cart, Sled or any other kind of Land Carriage or in the Orchard, Garden, Close, field, Ground, (rivers, Either under or above the Water) of any Person whatsoever or in Any Place whatsoever to the Northward of a line Extending from the North Limits and boundaries of the City of Albany due East and west by the Naturall position unto ye utmost Easterne and Western limits and boundaries of this Province Shall be forfeited & the

person or persons upon whose Body or in whose Possession or House Any the before mentioned Goods and Commodities Shall be found or that Shall in any manner or way by Land or water be found, Transporting the Same or that Shall in any manner Conceale or Endeavour to Conceale the Same and the Person or Persons owning any the Said mentioned and Intended goods and Causing the Same to be transported Shall be deemed taken and Esteemed to be A trader Contrary to the true Intent and meaning of this Act, and Shall forfeit the Said Goods So found and discovered & the Sum of one hundred pounds as before in this Act is directed.

And be it Enacted by the Authority aforesaid that the high Sherriif of the County of Albany or his deputy or Deputies or Such Person or persons as he Shall think Convenient make a dilligent Search and Enquiry in all houses Outhouses, Barnes, Stables, Barracks, Ricks or Stacks of hay or Corne, Boats, Sloops, Canoes Carts, Waggon, Sleads, or other Land or Water Carriage, and in all other places by him Suspected to the Northward of the line before mentioned, in order to Discover and Seize any of the before Mentioned goods and Commodities, Prohibited or meant and Intended to be Prohibited by this Act and the Person or PERSONS trading with Concealing owning transporting or Causeing to be Transported any of the before Mentioned or Intended goods or Commodities And the Said high Sherriif or Person or Persons by him deputed and Appointed are hereby Empowered to Enter into any House, Outhouse, barne, Stable, Sloop, Boat, Canoe and if need Shall require, breake open the deor of any House or Chamber and the hatchess of any Vessel, any Truncks, Chests, boxes, Presses, Cases, and Open any Packs, fardells or bundles in which he or they Shall Suspect that any of the before Mentioned goods Prohibited or meant and Intended by this Act to be Prohibited Are Concealed.

And be it Enacted by the Authority aforesaid that upon the discovery of any of the before Mentioned Goods Prohibited or meant and Intended to be by this Act Prohibited Such Goods Shall be Immediately Seis'd by the Person or Persons discovering the Same and brought before the Mayor of the City of Albany or the Commanding Officer of the Garrison of Albany, Schenectady or Fort Hunter and upon Oath made by the discovery of one or more Credible witnesses, that the Goods So Seised were found in Some place to the Northward of the East and West line afore-

said; the Said Mayor or Commanding officer Shall adjudge the Said Goods to be forfeited and the said Mayor or Commanding Officer who Shall Adjudge the Goods So discovered to be forfeited Shall Issue his Warrant to the High Sherref of the City and County of Albany or his Deputy to Appreheand as well the Owner and owners of the Said Goods as the Concealer and Concealers, Transporter and Transporters Seller and Sellers of the Said Goods So discovered, and Shall Comit them and Every of them to Goale, there to remain untill they and every of them, pay the Value of the said Goods so Seised and the Sum of one hundred pounds Current money of this Province, and the Mayor or Commanding officer making out Such Warrant to be by him given to the Person discovering the Same and the Said Goods So Seised Shall be to him her or them that Shall discover or Seize the Same, & if in Case it So happen that the Owners and other Person Concerned in Selling transporting, delivering, or Concealing any of the Goods So Seised, Lye hid or Absent themselves so y't they or any of them cannot be found then and in Such Case the Mayor or Commanding officer is hereby directed and required to Issue his Warrant to the Sherrife to Levy by distress the Sum and Sums of Money forfeited by Each person so Absenting himself upon the Goods and Chattles of the Said Person, which Shall be Immediately after Exposed to Sale for the payment of the Said Sum and Sums So forfeited AND the Overplus if any be after Such Sale, Shall be returned to the Owner

And be it farther Enacted by the Authority aforesaid that if the Mayor or Commanding Officer or Sherrif Neglect their Duty and Service required of them by this Act in not Condemning goods So discovered or not Issuing the Warrant, Levying by distress Searching or any Manner of way Contrary to the true Intent and meaning of this Act, or the Person or Persons Discovering Agree to take any lesse Sum then by this Act is appointed Such Mayor Sherif Commanding officer Person or Persons abovesaid shall forfeit The Sum of five hundred pounds Current Money of this Colony, for every Such Offence to be applyed towards the Supporting of this his Majestys Government, and for the Building and Repairing the Fortifications of the Same, to be Recover'd at the Supream Court by his Majestys Attorney General or Such Person or Persons as he Shall Impower to Sue for the Same, in which there Shall be no Essoine Protection or wager of Law allowed, or any more then one imparliance. This Act to Continue

& be of force for and during the Terme of Three Years, from the Publication hereof and no Longer, any Law usage or Custome to the Contrary HEREOF in any wise notwithstanding.

[CHAPTER 393.]

[Chapter 393, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201. See chapter 292. Expired July 1, 1722. Continued by chapter 405.]

An Act for the Continuing the Currency of
Bills of Credit to the Value of Six Thousand
Ounces of Plate for and During the time therein
Mentioned.

[Passed November 19, 1720.]

WHEREAS by Virtue of one Act of the General Assembly of this Province made in the first year of his Majestys reign Entituled an Act for a Supply to be Granted to his Majesty for Supporting his Government in the Province of New York and for Striking Bills of Credit for that purpose to the Value of Fifteen Thousand Ounces of Plate were Struck and Enacted to be Current in this Province during the time therein Mentioned and Bills of Credit to the Value of Three Thousand Ounces of Plate being part of the before Mentioned Bills were by one Act of the General Assembly of this Province made in the fifth Year of his Majestys reigne, Entituled an Act for a Suuply to be granted to his Majesty for Supporting his Government in the Province of New York, from the first Day of July, which Shall be in the Year of our Lord, One Thousand Seven hundred & twenty, untill the first day of July One Thousand Seven hundred and Twenty one, Enacted to Continue Current during the time therein Mentioned. And Whereas the urgent and Pressing Occasions of this Colony make it Necessary that the Currency of the Said Bills of Credit be Continued for a Longer time then By the above Mentioned Acts or Either of them have been directed and Appointed.

Be it therefore Enacted by the Governour Council & General Assembly and it is hereby Enacted by the Authority of the Same, that Bills of Credit to the Value of Six Thousand Ounces of Plate made Current by the Act before Mentioned, and now remaining uncanceled in the hands of the Treasurer of this Colony be and Continue Current in this Colony, until the first day of July, which Shall be in the Year of our Lord one thousand Seven hundred and Twenty two, that is to Say, Bills of Credit to the Value of Three

Thousand Ounces of Plate part of the beforementioned Bills being Appointed to be Sunk and destroyed on the first Day of July, one Thousand Seven hundred and Twenty, Shall be Continued Current untill the first Day of July, which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty one, and Bills of Credit to the Value of Three Thousand Ounces of Plate the remainder of the said Bills appointed to be Sunk and destroyed on the first day of July, which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty one, Shall be Continued Current untill the first day of July, which Shall be in the Year of our Lord One Thousand Seven hundred & Twenty two, and Shall be taken and received in all manner of Payment Equally with any Bills of Credit made Current in this Colony in the Same Manner REGULATION and Condition as is Directed and Prescribed in the Act by which the Said Bills were made Current any thing to the Contrary hereof in any other Act of the Assembly of this Province to the Contrary hereof in any wise notwithstanding.

[CHAPTER 394.]

[Chapter 394, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to Enable Garret Van Horne and Cornelius Van Horne Son of Said Garret Van Horne to Sell and Dispose of a Certain House and Ground Scituate Lyeing & being in the City of New York.

[Passed November 19, 1720.]

WHEREAS, there is a Certain Corner House and Ground Scituate Lying and being in the City of New York, formerly belonging to Gabriel Thomson Late of the Said City Deceased fronting Southerly, to wall Street, Easterly to Thien Hovens Street, Westerly to Land belonging to Mr. Samuel Bayard and Northerly to Land Belonging to Coll Abraham De Peyster, and Whereas the Children of the Said Gabriel Thomson are not all come of Age and Some of them Living beyond the Sea are Desirous their Deceased Father's Just Debts Should be paid and Sattisfyed, and Some of them have by Letters of Attorney Impowered Gerrit Van Horne and Cornelius Van Horne of the Said City Merchants, to pay their Fathers Just Debts, and there being no Personall Estate to pay the Same, Therefore they pray by their Petition to the General Assembly to have leave to Bring in a Bill to Enable them To Sell and Dispose

of the House and Ground abovementioned, In order Said Debts may be Sattisfied and paid.

BE IT therefore Enacted by his Excellency the Governour Council and Generall Assembly and by the Authority of the Same that the said Garrit Van Horne and Cornelius Van Horne be & are hereby Enabled and Invested with full Power and Authority to all Intents and Purposes to Sell Convey Alien Dispose of in Fee Simple, or other wise, All that House and Lott of Ground Scituate Lying and being in the Said City of New York, fronting Southerly to wall Street, Easterly to Thien Hovens Street, Westerly to Land belonging to Mr. Samuel Bayard, and Northerly to Land belonging to Coll Abraham De Peyster Together with all And Singular the Appurtenances to the Said House and Lott of Ground belonging or in any Manner of wise Appertaining and that Such Deed or Deeds Assurance and Assurances of the said House and Lott of Ground with the Appurtenances by them the Said Garrit Van Horne and Cornelius Van Horne in Due forme Executed Shall be good and Effectual in the Law to all Intents Constructions and Purposes to such uses as in and by the Said Deed or Deeds Shall be Expressed. NEVERTHELESS it is the True Intent and Meaning of this Act, That the Said House And Ground Shall be Sould by publick Action or Vendue, To the highest Bidder, after publick Notice Shall be given by Advertisement Thirty days before the Sale of the Same, And the Money Arising by Such Sale Shall be Disposed of by the Said Garrit Van Horne and Cornelius Van Horne to the paying and Satisfying the Just Debts of the Said Gabriel Thomson and all other Such Charges, as are and Shall be Occasioned or arise by the Sale as above said, and whatsoever Sum or Sums of Money Shall remain in their hands Shall be accounted for to the Severall Heirs of the Said Gabriel Thomson Any Law Usage or Custome to the Contrary in any Wise Notwithstanding.

[CHAPTER 395.]

[Chapter 395, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to enable Isabella Davis to Sell and Dispose of four Lotts Peices or Parcels of Ground in the City of New York.

[Passed November 19, 1720.]

WHEREAS Isabella Davis the Widdow of William Davis late of the City of New York Deceased, hath by her Petition presented to

the Generall Assembly prayed leave to bring in a Bill to enable her to Sell and Dispose of Four Lotts of Land for paying her Said Husbands Debts and making Provision for the Support of herSelf and Family.

BE it Enacted by his Excellency the Governour Council and General Assembly and by the Authority of the Same, That the Said Isabella Davis is hereby enabled and Invested with full power and Authority to all Intents and purposes, to Sell Convey, Alien and Dispose of in Fee Simple or otherwise All those two Lots Peices and Parcells of Ground Scituated lying and being in the Said City of New York, Fronting Southerly to a certain Street called by the Name of Sacket Street, containing in breath thereof towards the said Street, Fifty foot, Westerly, bounded by Land now or late in the possession of Colonel Robert Lurting containing Two hundred and ten Foot, more or less Northerly BOUNDED by Vacant Land containing, Forty Eight foot, and Easterly by Land in the possession of Richard Sacket, or his Assigns, containing on that Side, Two hundred & ten foot more or less. Also two other Lots Peices or Parcells of Land Scituate lying and being in the Said City, on the Southside of the said Street called Sackets Street, directly opposite to the former two Lots Contaning in the Front next to the said Street, Fifty foot, Easterly, bounded by Land now in the Possession of the Said Richard Sacket, or his Assigns, running from the Street aforesaid Down to the Low Water Mark of the South River, Southerly bounded by the Said River containing Fifty foot, and Westerly by Land now or late in the possession of the Said Colonel Robert Lurting runing on that Side from the Street aforesaid, downe to the Low water Marke of the Said River, all English Measure together with all and Singular the appurtenances to the said four Lots of Land belonging or in any Manner of ways Appertaining And that Such Deed or Deeds, Assurance and Assurances, of the Said four Lots peices and parcells of Ground with the appertenances by her the Said Isabella Davis in due form of Law Executed Shall be good and Effectual in the Law, to all Intents, Constructions and PURPOSES to Such Uses as in and by the said Deed or Deeds Shall be Expressed. Any Law Usage or Custome To the Contrary notwithstanding.

[CHAPTER 396.]

[Chapter 396, of Livingston & Smith, where a portion of the bill is printed. Chapter 396, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 186. The currency of the bills in this act continued by chapter 464. See chapter 366. Made more effectual by chapter 420.]

An Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York During the time therein Mentioned and for Repealing one Act of the General Assembly of this Province, Entituled An Act for a Supply to be granted to his Majesty for Suporting his Government in the Province of New York, from the first day of July which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty, untill the first day of July, one Thousand Seven hundred and Twenty one.

[Passed November 19, 1720.]

WHEREAS, the funds and Duties laid by one Act of the General Assembly of this Province, made in the fifth Year of his Majestys reign, Entituled an Act for a Supply to be Granted to his Majesty, for Supporting his Government in the province of New York, from the first day of July which Shall be in the year of our Lord one Thousand Seven hundred and Twenty, untill the first Day of July One Thousand Seven hundred & Twenty one, are by Experience found not to be Sufficient to raise a Support for his Majesty's Government of this Province as it was thereby Intended to do, but that Some Deficiencies have been and more are likely to be, if the Same Duties onely are Continued. The General Assembly of this Province taking the Same into their Serious Consideration and knowing that it is Necessary to provide an Ample and honourable Support for his Majestys Government here, and being heartily willing on all Occasions to demonstrate Their Loyalty and Affection to his Majestys Person and Government and their Sincere regards to the person his Majesty has been Graciously Pleased to place over them, pray that it may be Enacted and it is hereby Enacted by the Governour Council and General Assembly of this Province that the said Act of the General Assembly of this Province made in the fifth Year of his Majestys reign, Entituled an Act for a Supply to be granted to his Majesty for Supporting his Government in the Prov-

ince of New York from the first Day of July, which Shall be in the year of our Lord one Thousand Seven hundred and Twenty, untill the first day of July one Thousand Seven hundred and Twenty one, be and is hereby repealed, and that for the better defraying the Publick and Necessary Charges and Expences of this his Majestys Government, It be Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, that from and after the Publication of this Act, there be levy'd Collected and paid the Several and respective Duties and Customs hereafter Mentioned and Specified, which are hereby given and Granted unto his Majesty, his Heirs & Successors from the Publication of this Act, untill the first Day of July, which will be in the Year of our Lord one Thousand Seven hundred and Twenty Six Vizt.

For Every Pipe of Wine that Shall be Imported into this Colony directly from the Place of its Growth, Production or Manufacture, the Sum of Seven Ounces and a half of Plate of the Spanish Coyns of Sevil, Pillar or Mexico, or the Value thereof in Lyon Dollars or half Dollars, at Fifteen Penny weight each Dollar, or in Bills of Credit made Current in this Colony, and so in Proportion for all greater or Smaller Quantities Imported as aforesaid.

For every Gallon of Rum, Brandy or other Distilled, Liquors Imported directly from the Place of its Production or manufacture, the Sum of Fifteen Grains of Plate aforesaid.

For every Gallon of Rum or other Spirits distilled in this Province wholly or in part from Molasses, the Sum of Fifteen Grains of Plate aforesaid.

For every Gallon of Rum, Brandy or other Distilled Liquors not directly Imported from the Place of its Production or Manufacture, or Imported in any Vessel which has Traded, Traffiqued or broke Bulk, in any other Port or Place after the Same has been Laden on Board her, and before her coming into this Colony, the Sum of Thirty graines weight of Plate aforesaid. (Cases of evident Necessity only excepted.)

For every Bushell of Salt Imported into this Province, the Sum of fifteen grains weight of Plate aforesaid.

For every Gallon of Molasses Imported into this Colony, the Sum of ten grains weight of Plate aforesaid.

FOR every hundred weight of Cocoa imported into this Colony the Sum of ten penny weight of plate aforesaid.

FOR all European Goods Imported into this Colony from Boston, Twelve Ounces of Plate aforesaid, for every Hundred Pounds Value Prime Cost, and so in Proportion for any greater or Smaller Quantity.

FOR all European Goods Imported into this Colony, from any other of his Majestys Plantations, the Province of Pensilvania Excepted, for Such European Goods only brought here as are Imported into the said Province of Pensilvania directly from Europe. Eighteen Ounces and three Quarters weight of Plate aforesaid, for every Hundred Pounds Value Prime Cost So Imported, and so in proportion for any greater or Smaller Quantity.

FOR every Negro Imported directly from Affrica, Five Ounces weight of Plate aforesaid, and no greater or other Sum whatsoever, any former or other Law to the Contrary hereof in any wise notwithstanding.

FOR every Negro or other Slave not Imported directly from Affrica, the Sum of ten Ounces weight of Plate aforesaid, Negroes or other Slaves belonging to the Navigation of any Ship, Sloop, or other Vessel, and Slaves belonging to the NEIGHBOURING Colonies, going to and from one Colony to the other on the Service of their Owners, Masters or Mistresses, and Negro or other Slaves under the Age of Four Years only Excepted.

AND whereas Debates and Controversies may arise touching and Concerning the Age of Negro or other Slaves so Imported, Be it Enacted by the Authority aforesaid, that in Such Case the Negro or other Slave So Imported Shall be brought before any two of the Aldermen of the City of New York, who Shall, by Inspection, finally Determine whether the Age of the said Negro or other Slaves be under the Age of four Years, or not

FOR the Tunnage of all Vessels Trading into or out of this Colony, the Sum of Seven pennyweight & a halfe of Plate aforesaid for each Ton, and no greater or other Sum whatsoever, Coasting Sloops, belong to the Massachusetts, Rhode Island, Conneticut or New Jersey, Whilst their Navigation is to and from those parts, Ships directly from Great Britain, Ships and other Vessels built in this Colony, and also Such Ships or other Vessels as were wholly owned by the Inhabitants thereof, before the first day of September, one Thousand Seven hundred & Sixteen, and Such Vessels as have been Free from paying the Duty of Tonnage by Act or Acts of General Assembly of this Province, only Excepted, any Law to the Contrary hereof Notwithstanding, which Said Duty of Tonnage, is hereby directed and Enacted to be paid by the Master or Commander of every Ship or Vessel within Six Days after the Arival of the

Ship or Vessel by him Commanded, upon Penalty of forfeiture of two Ounces of Plate aforesaid for every Ton Such Ship or Vessel Containeth, the Duty of which is neglected or refused to be paid by the Master or Commander Aforesaid, to be recovered before any two Justices of the Peace quorum Unus, upon the Oath of one or More Credible Witnesses that Such Master or Commander has refused to pay the Duty by this Act appointed to be paid for the Tonnage of the Ship or other Vessel of which he is Master or Commander or in Case the Said Master or Commander so Cited before the Justices aforesaid, doth not then Produce before the said Justices a Receipt and Discharge from the Tonnage officer for the Duty of Tonnage then becoming due, for the Ship or Vessel by him the said Master Commanded or Navigated two thirds of the forfeiture aforesaid to be paid to the Treasurer of this Colony for the time being to be apply'd to the Support of the Government of this Colony the other third to him that will Sue as aforesaid, for the Same And for the more Effectual ascertaining and Securing the Duty of Tonnage in and by this Act, laid and appointed, Be it Enacted by the authority aforesaid, that the burthen of all Ships and Vessels lyable to pay the Duty of Tonnage Shall by the Owner Master or Commander be reported upon oath, and if the Tonnage officer Shall Suspect any Owner Master or Commander to have made a Short report of the True Contents or tonnage of his Ship or Vessel, the said Officer or Such Sworne person Surveyor or guager as he Shall Employ, Shall Immediately repair on board Such Ship or Vessel so by him Suspected, and take the true Tonnage thereof and if it be a Vessel of one deck, there Shall be measured the Length of the Keele on the outside, and the breadth of the Said Vessel from outside to outside, to be Measured along the Midship beame, and the depth of the hold from the Cealing close to the kelson to the under part of the Deck planke, which Length of the keele Shall be Multiplied by the breadth of the said Vessel, measured as above, and the Product thereof Shall be Multiplied by the depth and the whole be divided by Ninety five, and the Quotient of Such Division Shall be the Contents of the Tonnage of every Ship and Vessel of one Deck, and for every Ship or Vessel of two Decks her keel and beam Shall be measured as before directed on and from Outside to Outside and half the height between Decks Shall be added to the Depth of her hold, measured as before, and the length of Such Ship or Vessel Shall be Multiplied by her bredth and the product Multiplied by her depth of hold and halfe the height between the Deck added

together, and the whole divided by Ninety FIVE, the Quotion Arising from Such Division Shall be the Contents or Tonnage of every Ship or Vessel of two decks.

AND be it further Enacted by the Authority aforesaid that if any officer belonging To his Majestys Custome House in this Colony, Shall clear any Ship or Vessel Lyable to pay the Said Duty of Tonnage untill it shall appeare to the Said Officer by a Certifficate under the hand of the Tonnage Officer, that the Duty for Tonnage lay'd by this Act hath been Paid and discharged for such Vessel, according to the true meaning and Intent of this Act, Every Such Officer of the Customs so clearing Such Ship or Vessel Shall pay double the sums that ought to have been payed for the Tonnage of such Ship or Vessel so cleared, Contrary to the meaning of this act to be recover'd & applyed as aforesaid.

AND for the more Effectual Collecting & securing the Duty on Negroe & other Slaves lay'd by this Act, Be it Enacted by the Authority aforesaid, that every Master or Commander of any Ship or Vessel ariving within this Colony, Shall within Forty eight hours after his arrival within this Colony make report to the officer appointed to Collect the Duties on Negroes of all Negroes or other Slaves Imported in the Ship or Vessel by him Commanded and make oath before the Mayor of the City of New York OR any Justice of the peace for the Time being, what Number of Negro or other Slaves hath been brought into this Colony in the Ship or Vessel of which he is Master or Commander to whom Consigned or belonging, and on his Neglecting or refusing to take Such Oath, Shall forfeit Fourty Pounds current Money of this Province to be recovered and Applyed as aforesaid.

AND be it further Enacted by the Authority aforesaid, That the Master or Commander of any Ship or Vessel Importing Negroes into this Colony or the owner of any Such Negro or other Slaves or factor to whom Such Negro or other Slaves is Consigned Shall not be permitted to Land any Such Negroe, or other Slave without first haveing A Certificate from the Officer appointed to Collect the Said Duty, that Such Master, Owner, or factor, hath paid or Secured to be paid the Duty appointed by this Act, to be paid for every Such Negro so Imported, and any Negroe or other Slave that Shall be Landed or put on Shore for which the Duty aforesaid has not been payed or Secured to be paid Shall be forfeited, Such forfeiture to be recovered in manner herein before directed and after Sale of the Said Negroe or other Slave by Publique Outcry, the Money thereby arising to be divided and applyed as afore directed and the Master

Mate or Commander of any Such Ship or Vessel Importing Negro's as aforesaid who Shall Land or Suffer to BE Landed or put on Shore any Negroe or other Slave without first haveing or having a certificate produced to him from the proper office that the Duty appointed by this Act to be paid for Such Negroe or other Slave, to be put on Shore, is paid or Secured to be paid, every Such Master Mate or Commander, So landing or Suffering to be Landed or put on Shore any Negro or other Slave Contrary to the true meaning and Intent of this Act, Shall for every negroe or other Slave So Landed and put on Shore forfeit the Sum of fourty Pounds to be recovered and applyed as aforesaid, and the Said Negroe or Negroes or other Slave or Slaves Shall be forfeited as herein is before Directed.

AND it is hereby further Enacted by this Authority aforesaid, that the Officer appointed for the Collecting and receiving the Said Duty, Shall in a Booke to be kept for that purpose keep an Exact account of the Names of all Negroes and other Slaves Imported, and of the Person Importing the Same, the time when and in what Vessel Imported or brought in as aforesaid, and Shall upon the receiving the said duty give a receipt to the Owner or possessor of the Said Slaves, Expressing the Name of him or her the said Slave, the Sum received of him or her the Said Owner or Possessor the time of the Said Slaves Importation, and in what Vessel Imported or how brought in, for which receipt or Certificate the Said officer Shall receive THE Sum of five peny weight of plate aforesaid and the Said receipt upon the Sale of any the Said Slaves Shall be delivered by the Seller of Any the Said Slaves to the Person buying the Same, the better to Enable Such Purchaser to make prooffe that the Duty laid by this Act hath been paid for Such Slave According to the true Intent and Meaning thereof.

AND be it Enacted by the Authority aforesaid, that the officer Appointed to Collect the duties of Tonnage and Negroe Slaves herein Mentioned, Shall Enter into recognizance to his majesty his heirs and Successors with Sufficient Sureties in the Sum of one Thousand pounds, Current money of this Province (if not already done) for the true and faithfull discharge of his said Office in Collecting receiving and paying the Several Duties & Sums of money by him to be Collected and paid according to the directions of this Act and the said Officer is hereby Permitted to retain in his hands the Sum of two hundred Ounces of Plate

aforesaid as a reward for his Care deligence and paines in the Performance of the Several Services in & by this Act of him required, for Each yeare he shall remain in the Said Office.

PROVIDED alwaies and it is hereby Enacted by the Authority aforesaid, That any Gentleman or Gentlewoman Coming into this Colony, may Import one Slave to ATTEND on their Persons without paying any Duty for the Same but if Such Gentleman or Gentlewoman Shall Sell and dispose of Such Slave without having first payed the Duty for the Same, as by this Act is directed, Such person so Selling and disposing Contrary to the Meaning of this Act, Shall be Lyable to the forfeitures therein Contained, to be recovered and applyed as aforesaid, any thing in this or any other Act to the Contrary hereof in any wise notwithstanding.

AND WHEREAS the Necessities of this Government, are Such as require a Present Supply and cannot wait the Coming in of the Duties Imposed by this Act, In order therefore to Provide for the Same in the most Effectuall manner Be it Enacted by the Governor Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the Same that Bills of Credit to the Value of five Thousand Ounces of Plate, be forthwith made and Printed upon the Credit of the Duties and fonds arising or to arise by Virtue of this Act, that is to Say Six thousand and one, of Such Bills of the Value of two penny weight and Twelve grains of Plate of the Spanish Coines of Sevil, Pillar or Mexico, four thousand Such Bills of the Value of three penny weight and Eighteen grains of like plate, four thousand Such Bills of the Value of Six pennyweight and Six grains of LIKE plate. Four Thousand Such Bills of the Value of Seven Pennyweight and Twelve Grains of like plate one Thousand Seven hundred and fourteen Such Bills of the Value of Eight Pennyweight and Eighteen grains of like Plate, upon every of which Bills Shall be Impres't on the right side of the said Bills about the Middle of the side, the Arms of the City of New York and the said Bills Shall be in the forme following vizt.

This Indented Bill of.....Pennyweight.....
Grains of Plate due from the Colony of New York to the Possessor thereof Shall be in Value Equal to plate and Shall be accordingly accepted by the Treasurer of this Colony for the time being, in all Publick payments and for any fund at any time in the Treasury, Dated in New York the tenth day of November one Thousand

Seven hundred and Twenty, by order of the Governour Council and General Assembly. Which Bills Shall be Signed and Numbered by David Provoost Esq'r John Jansen Esq'r Jacobus Kip Esq'r Gerardus Bekeman Junior Esq'r or any three of them and in Case of the death of any of the said Persons the Said Bills Shall be Signed and Numbered by the Major part of the Persons above mentioned then alive and the Bills of Credit aforesaid to be made and Issued by Virtue of This Act Shall be and Continue Current untill the first day of July which will be in the Year of Our Lord one Thousand Seven hundred and Twenty Six and no Longer, at which time all the Said Bills Shall be Sunke and Destroyed by the Treasurer of this Colony.

And Whereas, it may so happen that many of the Said Bills may after the Said first day of July, which will be in the year of our Lord One Thousand Seven hundred and Twenty Six, be and remaine in the hands of Private Persons remote, so that they cannot Conveniently be brought to the Treasurer of this Colony in order to be Sunk and destroyed on the Said first day of July, Be it therefore Enacted by the Authority aforesaid, that any Person or Persons, who Shall on the said first Day of July, or on or before the first Day of January, which Shall be in the aforesaid Year of our Lord one Thousand Seven hundred and Twenty Six, bring and Deliver to the Treasurer of this Colony for the time being any Bill or Bills made Current by this Act every Person so bringing and delivering any Such Bill or Bills Shall by the Said Treasurer be paid the Value of them out of the funds or Publick money then in his hands arising by Virtue of this Act if any Such there be, and if not, then out of any other PUBLIQUE money or Bills in his hands at the time of bringing and Delivering Such Bill or Bills which said Bill or Bills so brought in and delivered to the Treasurer Shall by him be Sunk and destroyed at the times of Delivering the Same on or before the first Day of January aforesaid, after which Day the Said Treasurer is not to Exchange any of the Bills made Current by this Act, nor to take them in payment Longer then till the first day of July, which will be in the year one Thousand Seven hundred and Twenty Six aforesaid.

And that it may be truly known what number and Value of Bills are Sunke and destroyed on the said first day of July which will be in the Year of our Lord one Thousand Seven hundred and Twenty Six or at any time before the Second day of January then Next following It is hereby farther Enacted, that the Treasurer

of this Colony at that or any of those times being, Shall keep a true and perfect account of all Such Bills by him received and destroyed which account he Shall render upon Oath if thereto required by the Governour Council and General Assembly or either of them.

AND be it Enacted by the Authority aforesaid that the persons Appointed for the Signing of the Said Bills of Credit, Shall take an Oath before any ONE of the Aldermen of the City of New York for the true Signing and delivering of all the said Bills of Credit, that is to Say, that they the Signers or the greater Number of them then Alive will truly Sign all the Said Bills of Credit made Current by this Act and no more, Except Empowered by an Act of Assembly of this Province or Some Equal or Superior Authority so to do, and that they the Persons Signing the Same, will Deliver unto the Treasurer of this Colony for the time being all the Bills of Credit so Signed by them and no More then the Number Mentioned in this Act, according to the true intent and Meaning of the Same.

AND, be it Enacted by the Authority aforesaid that David Provoost, Jacobus Kip, Johannis Jansen & Gerardus Bekman Esq's, Appointed hereby to Signe the Bills of Credit made Current by this Act, Shall for Such their Service have payed unto Each of them or Each of their Executors or Assigns by the Treasurer of this Colony for the time being in Bills of Credit made Current by this Act, or any other Act of the General Assembly of this Province, the Sum of fifty Ounces of Plate as a reward for their Trouble in Signing and Numbering the Bills aforesaid.

AND be it Enacted by the Authority aforesaid that the Printer Appointed to print the Said Bills of Credit Shall receive as a Reward for his Printing and Providing pens and Inke to Signe the Same, the Sum of one hundred and Twenty five Ounces of Plate to be paid to him by the Treasurer of this Colony in Bills of Credit made Current in the Same, and the Said Printer is hereby required and directed to deliver to ye Signers of the Said Bills, by this Act Appointed Every Bill of Credit by him the Said Printer Printed, and Shall upon his Delivery of the said Bills to the Said Signers take an Oath upon the holy Evangelists that ye Bills of Credit then by him delivered are all the Bills of Credit by him Printed, by Virtue of this Act, which Oath all or any of the Signers is hereby directed and required to Administer, and if more Bills happen to be Printed, then by this Act are appointed and

Enacted to be Current the Signers hereby Appointed are directed and required to burne and Destroy Such Supernumerary Bills as Shall be Printed and delivered to them.

AND be it further Enacted by the Authority aforesaid that the Bills of Credit appointed and Enacted by this Act to be Current till the first day of July which will be in the Year of our Lord one Thousand Seven hundred AND Twenty Six, Shall be received in all Cases whatsoever, by any Person within this Province and be as Effectually Current as any other Bills of Credit made current in this Colony by any Act of the General Assembly of this Province and the Person refusing to take them in Payment for any Sum Due or hereafter to become due, or for any Contract Already made or hereafter to be made or for any Consideration whatsoever, for any Effects or Services already delivered or Performed or hereafter to be delivered or Performed, Shall be Lyable and is hereby made Lyable and Subjected to all the Penalties and forfeitures Contained in any or all the Acts of the General Assembly of this Colony at any time Enacting and Enforcing the Currency of Bills of Credit as fully to all Intents Constructions and Purposes whatsoever as if the words of all or any the Acts before-said relating to the Bills of Credit or Enacting and Enforcing the Currency of Such Bills of Credit in them Mentioned had been particularly Expressed or Transcribed and hereby Enacted any thing in this Act or any other to the Contrary hereof in any wise notwithstanding.

AND be it Enacted by the Authority aforesaid, That if any Person OR Persons whatsoever, shall Presume to Counterfeit any of the Bills of Credit made Current by this or any other Act of the General Assembly of this Province or Shall alter any of the Said Bills made Current as aforesaid so that they Shall appear to be of Greater Value then by any of the Said Acts the Same Bills so Altered were Enacted Signed and Numbered to Pass Current for or Shall knowingly Pass any of the Bills aforesaid So Counterfeited or altered, every Person Guilty of Counterfeiting or altering the said Bills as aforesaid shall be Guilty of Felony and Convicted of Such Counterfeiting or altering shall suffer death Accordingly, and not have the benifit of Clergy and every Person knowingly passing any Such Counterfeit or alter'd Bill and Convicted thereof Shall also Suffer the Paines of Death without Benefit of Clergy.

AND be it further Enacted by the authority aforesaid, that for all bread and flower brought to his Majestys Beam and weighed, there shall be paid for Weighing the Same unto his Majesty his Heirs and Succesors, the Sum of five grains of Plate aforesaid, for every hundred weight so weighed and for every other things Coods Wares and Merchandizes whatsoever (Cocoa Excepted) brought to his Majes' Beam and weighed there Shall be paid the Sum of ten Grains weight of Plate aforesaid for every hundred WEIGHT so weighed and so in proportion for any greater or Smaller Quantity.

AND be it Enacted by the authority aforesaid, that all Cocoa Imported into this Colony be brought to the Beam aforesaid and weighed, and that there be paid unto his Majesty his Heirs and Successors the Sum of five grains Weight of Plate aforesaid for every hundred Weight of Cocoa so weighed and so in proportion for any greater or Smaller Quantity any thing in this Act to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, that for the better and More Effectual Colecting and paying the Rates and Duties herein and hereby given & Granted for weighing the Cocoa before Mentioned any Person or Persons who shall Import into this Province of New York any of the said Cocoa without weighing the Same at his Majestys Beam and answering and paying the rates and Duties by this Act appointed and Directed to be paid for weighing the Same, Shall Forfeit all the Said Cocoa so Imported as aforesaid, Contrary to the True Intent and meaning of this Act to be Recovered before any two of his Majestys Justices of the Peace of the said Colony by any Person who shall Sue for the Same, one half to his Majesty his Heirs and Succesors and the other half to Such person who Shall Sue and PROSECUTE to Effect for the Same.

AND for the Due orderly and Effectual Collecting the Rates and Duties before Imposed on Wine, Rum, Brandy or other Distilled Liquors Cacao Salt Molasses and European Goods not brought directly from Europe, and for preventing Frauds and Imbezelments of those Rates and Duties, Be it further Enacted by the Authority aforesaid, That the Master Mate or Purser of every Ship or Vessel, that Shall Come into any Creek, Port or Harbour within this Province to Trade or Traffique shall repair and Come to his Majestys Custome House and there make report of all and every Such Parcel or Parcels of Goods Wares or Merchandize

Laden taken and being on Board Such Ship or Vessel whereof he is Master, Mate or Purser and also declare upon Oath that he hath not broke Bulke Since his arrival within this Province and before he made Such report as aforesaid, and every Merchant and factor or freightor who Shall have any Goods, Wares or Merchandize on board any Ships or Vessels as aforesaid, Shall at the Said Custome House make a true and distinct Entry of all and Every Such Parcel or Parcels of Goods, Wares or Merchandize as he hath on board any and every Such Ship, or Ships, VESSEL or Vessels as aforesaid. And in Case any Difference Shall arise touching and concerning the Value of European Goods not brought directly from Europe So entered, the Collector, for the time being or his Deputy is hereby Authorized and Required to administer an Oath to all and every Such Person or Persons making Such entry as aforesaid, that the said Entry is according to the Invoice or Invoices Sent to him or them from the place or places from whence Such Goods or Merchandizes did come. And if the Collector or his Deputy Shall not rest Satisfied therewith, the Merchant or Merchants entring Such European Goods Shall give Proof upon Oath of the Value of the Same, as near as may be, and pay the Duties accordingly.

And be it further Enacted by the Authority aforesaid, that if any Master or purser of any Ship or Vessel whatsoever or any Merchant Factor or other Shall break bulk or Land any Goods, Wares or Merchandizes whatsoever, before he or they make report and Entry, and pay or Secured to be paid the Duties hereby imposed, All the Goods so Landed or taken from on Board without or before Report and Entry made Shall be forfeited, one third part whereof to be to his Majesty, his Heirs AND Successors to be applied to the Suport of his Majestys Government in this Colony, One Third part to the Governour or Commander in Chief of this Colony for the time being and the other Third part to the Person who Shall Sue & Prosecute to Effect for the Same by Bill Plaint or Information in any Court within this Province.

AND for the more Effectual Prevention of defrauding and withdrawing the duty by this Act Lay'd on Salt, Imported into this Colony Be it Enacted by the Authority aforesaid that every Master Mate or other Commander or Person having Charge of any Ship or Vessel or any other Person whatsoever, who Shall Land unlade or Sell or deliver any Salt Imported into this Province without the Duty having been first paid or Secured to

be paid for the Same, Shall for every offence forfeit the Sum of one hundred Pounds current money of this Province and all the Salt So landed unloaded Sold or Delivered Contrary to the true Intent and Meaning of this Act to be recovered by Action of Debt Bill or Information in any Court within this Province by any person who will Sue for the Same to be Applied as is herein before directed.

And be it Enacted by the Authority aforesaid that Every Person within THIS province who Shall distill or make any Rum Spirits or Strong waters either in whole or in part from Molasses Imported into this Colony Shall within ten days after the Publication of this Act, repaire to the Treasurer of this Colony for the time being and there make a true full and perfect Entry upon Oath of all the said Spirits So distilled as aforesaid, that are in their Possession or Custody or in the Possession or Custody of any other Person or Persons for their use or behoof and of all Such Spirits distilled as aforesaid, that have by Such distiller been Sold or disposed of Either by themselves or by any other Person or Persons by the Command or direction of Such distiller or for their use or behoof Since the Publication of this Act and Shall then pay unto the said Treasurer the Sum of fifteen Graines weight of Plate for every Gallon of Such Spirits aforesaid as are in their Custody or the Custody of any Body for them distilled Since the Publication of this Act and that have been Sold by themselves or any Body for them and to their use, which Oath the said Treasurer is hereby directed and required to Administer.

AND it is hereby further Enacted by the Authority aforesaid, that every Person distilling Rum, Spirits, or Strong Waters, as aforesaid Shall on every NINETIETH Day after any of their Entry with the Treasurer as aforesaid or if the Said Ninetieth Day happen on a Sunday then on the Next following day repaire to the Treasurer aforesaid and make a true Entry upon Oath of the Quantity of Such Spirits as Aforesaid by him distilled or by any body for his use or behoof and pay the Duty of fifteen graines weight of Plate aforesaid for every Gallon so Distilled and so on every Ninetieth day during The Continuance of this Act AND it is hereby further Enacted by the authority aforesaid That no Person whatsoever, not being at the time of the Publication of this Act a distiller of Strong Waters shall Set up or Erect any Still House or Still or distill Such Rum or Spirits aforesaid without first making knowne to the Treasurer of this Colony for the time being,

his Intentions of Distilling of Such Spirits and taking a Lycence from the Said Treasurer for his so doing, which distiller so Lycened shall on Every Ninetieth day after his Obtaining the Said Lycence repair to the Treasurer aforesaid and Enter Truly upon oath what Spirits has by him been So Distilled as aforesaid, and pay the Duty accordingly.

AND be it enacted by the authority aforesaid, that any Person within this Colony who shall make or Distill any Rum Spirits or Strong waters as aforesaid either in whole or in part from molases Imported into THIS Colony without Entring with the Treasurer as by this Act is Directed and paying the Duty hereby Appointed every Such Person Shall for every Such offence forfeit the Sum of One hundred pounds curent money of this Province to be recovered by any person that will Sue for the Same, in any Court within this Province, one halfe thereof to the Governour of this Province for the time being, and the other half to Such person as will sue and prosecuted for the Same, And be it further Enacted by the Authority aforesaid that any Person making upon oath a Short or untrue Entry whereby the Publick Shall be defrauded of the Duties arising by this Act, on Rum or Spirits distilled or to be distilled as aforesaid, and thereof Convicted in any Court of Record within this Province Shall forfeit one hundred Pounds to be applyed as aforesaid and Such Person so Convicted Shall Suffer the paines & Penalties by the Law to be Inflicted on Persons guilty of Wilfull and currupt Perjury and thing in this or any other Act to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, that all and every Person and Persons Importing into this Province any European Goods, Cacao Molasses, Salt, Wine, Rum, Brandy or other Distilled Liquors Shall UPON Entring the Same, pay to his Majesty, his Heirs and Successors, the Duties herein before given and granted thereon, or in Case the Duties rising by this Act upon such importation Shall amount to above the Sum of Ten Pounds, Shall well and Sufficiently Secure the Same to be paid, as aforesaid, within the Space of Six weeks from the Day of the Entry thereof. And if any Person or Persons Shall refuse or delay to pay or Secure to be paid the Said Duties that then and in Such Case it Shall and may be Lawfull for the Collector to take and detain the said European Goods, Cacao, Wine, Rum, Brandy or other Distilled Liquors for the Space of Six Weeks or untill the Duty given by this Act is and Shall be paid and Satisfied.

And if the Duties be not paid within the said Six Weeks, that then the Collector shall and may, at the Expiration thereof, Expose to Sale the Goods wares and Merchandizes So detained, returning to the Owners the overplus if any be, the Duties and Charges of the Sale being first deducted, which Duties arising upon Such Sale Shall forthwith be paid by the Collector aforesaid to the Treasurer of this Colony for the time being, to be apply'd as by this Act is directed, for the Support of the Government of this Province.

AND be it further Enacted by the Authority aforesaid that the Several AND respective Duties hereby laid and given Shall be paid to the Treasurer of this Colony for the time being who is hereby empowered to receive the Same.

AND, be it further Enacted by the Authority aforesaid, that Upon the Importation of any European Goods, Cacao, Molasses, Salt, Wine, Rum, Brandy or other distilled Liquors aforesaid, the Owner or Owners, Importer or Importers thereof Shall give to the Treasurer a Copy of the entry of the respective Quantities of the Several Goods aforesaid so by him entred with the Collector and pay or Secure to be paid for the Same as directed by this Act the Duties aforesaid, and that upon the payment or Security given the Said Treasurer Shall give to the Importer or owner aforesaid without Fee or reward, a Certificate Signifying that the Duty for Such and Such Quantities of Goods Wares and Merchandizes as are by him Imported, are paid or Secured to be paid, upon which Certificate the Collector Shall permit the owner or Owners Importer or Importers to unlode and Land the said Goods, Wares & Merchandize and not otherwise.

AND be it further Enacted by the Authority aforesaid that the before Mentioned Duties on Negroes and the Tonnage of Vessels and the Duties given for weighing at his Majestys Beam Shall be paid to the Said Treasurer by the RESPECTIVE officers appointed or to be appointed to Collect and Receive those Duties, when and so Often as they Shall be thereunto respectively required by the said Treasurer whose receipt Shall be a Sufficient Discharge to the Said Officer for the Same.

AND be it further Enacted by the Authority aforesaid, that the Act Entituled an Act for Lycencing Hawkers and pedlers, be and is hereby Continued Untill the first day of July which will be in the Year of our Lord one Thousand Seven hundred and Twenty Six, and the Duty thereby arising is hereby directed to be paid to

the Treasurer of this Colony for the time being, any thing in the Said Act to the Contrary hereof in any wise notwithstanding.

AND, be it further Enacted by the Authority aforesaid, That the Treasurer of this Colony, for the time being, Shall pay or Cause to be paid all and every sum and Sums of Money that Shall come to his hands by virtue of this Act, and not particularly disposed of by this Act, to Such Person or Persons, and in Such Manner as he Shall, from time to time, be directed by Warrant or Warrants to be passed in Council under the hand and Seale of the Governour or Commander in Chief of this Colony, for the time being, by and with the advice and CONSENT of the Said Council, which Warrants Endorsed by the Persons to whome they are made payable, Shall be a Sufficient Discharge to the said Treasurer; which Warrant shall be Number and paid in Course according to their Number, and to the end the Treasurer may at all times know what Warrants are drawn, the Clerk of the Council, for the time being, is hereby directed and required, immediately after the drawing of any Warrant or Warrants, to Signifie to the Treasurer, under his hand, the Name or Names of the Person or Persons to whome Such Warrant or Warrants are made payable, together with the Sum and Numbers of the Same.

AND be it Enacted by the Authority aforesaid, That the Treasurer of this Colony Shall out of any publique money in his hands pay or Cause to be paid in Bills of Credit made Current in this Colony to all and every the Members of the General Assembly of this Colony Ten Shillings per Diem, for each Day they have Served, or Shall Serve from the first day of this present Sitting of Assembly to the Expiration of the Same, according to a Certificate to be produced to him by every of the said Members Signed by the Speaker of the said Assembly for the time being, expressing the Number of Days that each Member has attended the Service of the said General Assembly and the receipt of each of the said MEMBERS endorsed on his Certificate Shall be a Sufficient Discharge to the Said Treasurer for So much.

AND be it further Enacted by the Authority aforesaid, That the Certificate for the Service of the Speaker in the Assembly, Shall be Signed by the Majority of the Members of the Said Assembly and the Treasurer is hereby Ordered to take Notice thereof and pay it accordingly, and the said Speakers receipt Shall be a Discharge to the said Treasurer for so much.

AND be it further Enacted by the Authority aforesaid That the Treasurer of this Colony for the time being Shall retain in

his hands the Sum of five Pounds for every hundred Pounds received and paid by him as a reward for his Service in receiving and paying the Moneys to be received and paid by him by Virtue of this Act and Shall be accountable to The Governour Council and General Assembly of this province or either of them requiring the Same. Provided and it is hereby Enacted that for bills of Credit hereby made Currant he Shall only take two and a halfe per cent for receiving and Paying the Same.

[CHAPTER 397.]

[Chapter 397, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Livingston & Smith and Van Schaack state that this act was repealed by the King, April 30, 1724. For copy of order in council repealing this act, see Doc. Rel. to Col. His., V., p. 706.]

An Act to Lay a Duty of two Pounds on every hundred pounds Value Prime Cost of all European Goods Imported into this Colony.

[Passed November 19, 1720.]

WHEREAS the Several fortifications in this Colony are very much Gone to decay and which if not timely and Sufficiently repaired may prove of dangerous Consequence to the Publique Safety. And Whereas the French of Canada have by ill arts and Crafty Insinuations So fare gained upon Some of the Nations of Indians Inhabiting in and bordering upon this Province as to be admitted to build a Trading House or fortification among the said Indians at a Place called Niagara or Yagera within this Province which is not only in Contempt of his Majesty and his Royal dignity and Imperial Crowne of Great Britain, but tends to render the said Indians Wavering in their faith and allegiance and will if not demolished aw the Said Indians into a Subjection and Dependance on the Said French withdraw them from their Duty and Obedience to his ROYALL Majesty and with them a great Tract of Territory now and heretofore in the Possession, and of right belonging to his Said Majesty as a part of his territory and Dominion of New York in America, and Whereas it is Absolutely Necessary not only to demolish the Said Fort or Trading House in Niagara Aforesaid, but to erect Fortifications both in that & other places and Secure and repair those already Erected in Order to Protect the said Indians and retain them in their Obedience to and dependance on his Royall Majesty our dread Sovereign and his Successors, Kings and Queens of Great Britain France and Ireland, and to prevent

the Incursions of the French and Indians Bordering upon this Province. And Whereas the Several Duties already Laid by Act or Acts of the General Assembly of this Province will not more than Raise a Supply for the Support of his Majesties Government of this Province and may Possibly prove deficient for that purpose in order therefore to prevent any Such deficiency and to make Some provision for the Security and defence of this Province.

BE IT ENACTED by the Governour Council and General Assembly of this Province, and it is hereby Enacted by the Authority of the Same, That there be given to his Majesty his heirs and Successors for and towards the Support of the Government of this Province, and for and towards the building Erecting and repairing fortifications Nessessary for the Security and defence of this his Majestys Colony, the Sum of two Pounds Current Money of this Province for every hundred pounds Value prime Cost of all European goods Imported into this Colony, and so in Proportion for any greater or Smaller quantity.

AND be it Enacted by the Authority aforesaid that the Owner or Importer of any European Goods Shall upon his Importing the Same make a report to the Treasurer of this Colony upon oath of all and every the Quantities of European Goods and Value of the Same and accordingly pay or Secure to be paid in ten days after Such report the duty by this Act appointed to be paid for the Same, to the Treasurer of this Colony for the time being, which Treasurer Shall give to the Person Importing SUCH European goods, a Certificate of his having reported and paid or Secured to be paid the Duty for the said European Goods, as by this Act is required and Directed, upon Producing of which Certificate the Collector of his Majesties Customes for the time being is to grant a Permit for the Landing of Such European goods and not Otherwise.

AND be it Enacted by the Authority aforesaid, That any European Goods whatsoever that after the Publication of this Act Shall be Imported into this Province & Landed or put on Shore within the Same, the Duty for which has not been paid as in and by this Act is directed every Such parcell or quantity of European goods So landed or put on Shore after the publication of this Act Shall be forfeited, the one third thereof to his Majesty his heirs and Successors, one third thereof to the Governour or Commander in Cheif of this Collony, for the time being, and the other third for Such Person as will Sue and Prosecute to Effect for the Same, in any Court within this Province, in which there Shall be no Essoine, protection, or wager of Law allowed or any more than one Imparliance.

AND be it Enacted by the Authority aforesaid that one third of the Money arising by Virtue of this Act Shall be applyed to the Support of his Majesties Government in this Colony, and the other two thirds thereof Shall be applyed to the repairing the fortifications now being in this Province, and towards the building and erecting Such others and in Such places as by the Governour Council and General Assembly of this Province, Shall be thought Necessary, And not otherwise.

AND be it Enacted by the Authority aforesaid that this act nor Any Clause Article or thing therein Contained Shall be of force untill his Majesty his heirs or Successors Shall give his or their Royal Assent thereto, and then to Continue in force from the time of Publication thereof untill the first day of July which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty Six.

[CHAPTER 398.]

[Chapter 398, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 198. See chapter 314. Continued by chapter 474.]

An Act for Continuing an Act entituled
An Act for the Encouragement of Whaleing.

[Passed November 19, 1720.]

BE IT Enacted by the Governour Council and Assembly and by the Authority of the Same, That One Act of General Assembly, entituled, An Act for the Encouragement of Whaleing made in the Seventh Year of the Reign of her late Majesty Queen Anne of Glorious Memory Expired by its own Limitation, Shall be and is hereby Enacted by the Authority aforesaid, to be of force from the Publication hereof, for and untill the first day of December which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty Six and no Longer.

[CHAPTER 399.]

[Chapter 399, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 196. See chapter 368. Expired July 1, 1726.]

An Act for the further Continuing An
Act entituled An Act for laying a Duty on
Goods Sold by Auction Vendue or outcry and
for rendring the Same more Effectual.

[Passed November 19, 1720.]

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same that an

Act Entituled an Act for laying a Duty on Goods Sold by Auction Vendue or OutCry Made in the third Year of his Now Majestys Reign Shall Continue & be in force until the first Day of July which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty Six and no Longer.

AND be it Enacted by the Authority aforesaid that if the Vendue Master for the time being Shall Neglect or refuse to pay to the Treasurer aforesaid the Several Sums of Money now in his hands by Vertue of the Act aforesaid within forty Days after the Publication of this Act or Shall neglect or refuse to pay to the Treasurer aforesaid the Several Sums of Money arising and becoming due on Goods Sold BY Auction Vendue or Outcry within ten Days after the Same is by the said Vendue Master to be paid or Shall not duely and truly Account with the Said Treasurer in Such Manner as is Directed in and by the Said Act of general Assembly of this Province made in the Year of our Lord one Thousand Seven hundred and Seventeen Entituled An Act for laying a Duty on Goods Sold by Auction Vendue or Outcry that then and in Such Case the Said Treasurer for the time being Shall and is hereby required directed and Commanded to put the Bond of the Said Vendue Master in Suit against the Said Vendue Master and his Sureties in Case any Such Bond their be.

AND be it Enacted by the Authority aforesaid that in Case there be no Such Bond and Security as by the Said Act is Directed the said Treasurer is hereby Directed required and Commanded to Sue the Said Vendue Master for Such Sum and Sums of Money as are now in his hand. And the Accounts given in by the Said Vendue Master to the General Assembly Shall be allowed as Evidence to prove what Money is in his hands and the Jurors Shall be directted to find Accordingly

AND be it further Enacted by the Authority aforesaid that the Said Vendue Master Shall Enter into recognisance in the Sum of five hundred pounds with two Sufficient Securities to be approved of by the Treasurer of this Colony for the time being in the Sum of two hundred and fifty pounds Each that the Said Vendue Master Shall well and truly receive Collect and pay the Several Duties appointed by the Act aforesaid to be Collected received and paid and in all things faithfully and truly demean him Selfe According to the Directions of the Said Act and if the Vendue Master that now is Shall Neglect or refuse to Enter into Such recognisance with Sureties as herein is directed within Ten Days after

Publication of this Act the Governour of this Province for the time being is hereby humbly desired to appoint Some other person in the place and Stead of the Said Vendue Master that now is Every Such Vendue M'r being So appointed being hereby required to Enter into such recognisance as before is Directed within ten Days after his being So Appointed or otherwise not to hold the Said place or office. Anything in the Said Act to the Contrary hereof in Any Wise notwithstanding.

THE SEVENTEENTH ASSEMBLY.

Ninth Session.

(Begun May 19, 1721, 7 George I, William Burnet, Esq, Governor.)

[CHAPTER 400.]

[Chapter 400, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Settling the Estate of Albertus Conrardus Bosch Late of the City of New York Sword Cutler Deceased.

[Passed, July 27, 1721.]

Whereas Albertus Conrardus Bosch Late of the City of New York Deceased in his life time and at the Day of death was Seized and possest of and in a Certain Messuage Tenement or dwelling house and Lot of Ground Scituate lying and being in the City of New York in the Street Commonly Called and known by the Name of the Dock Street, bounded Southerly by the Said Street, Northerly by the Ground of Cornelius Van Horne the Son of John Van Horne, Westerly by the house and Ground of Stephen Van Cortland and Easterly by the house and Ground of the Said Cornelius Van Horne, And Some time on or about the fourth Day of December in the Year of our Lord, One Thousand Six hundred and Ninety four, made his last Will and Testament in the Dutch Language (Soon after which he Dy'd) and therein and thereby bequeathed all his Estate unto his Wife Elsie during her Naturall Life and after her Decease to his Children, in equall Shares and Proportions &

Whereas the Said Elsie and her Children now alive by their humble Petition presented to the Generall Assembly of this Province have SETT forth that the Said House is very old and Decayed, and that the Said Elsie is not in a Capacity to repair the Same, and hath nothing Else left her to live upon, but the income or Rent of the Said House, which in the Condition it now is, is not Tenantable, and therefore Humbly prayed that She might be Impowered to Sell and dispose of the Said House and Ground and During her life, enjoy the moneys arising thereby and What Shall be left at her Decease, Shall be divided in equal Shares amongst the Children and Grand Children of the Said Albertus Conrardus Bosch her Said Husband Deceased, which reasonable request the General Assembly being willing to grant.

BE it therefore Enacted and it is hereby Enacted by his Excellency the Governour Council and General Assembly and by the Authority of the Same, that the Said Elsie Bosch Widdow and Relict of the Said Albertus Conrardus Bosch deceased be and hereby is fully Authorized empowered to sell dispose of and Convey the said House and Lot of Ground, Scituate Lying and being, within the City of New York as above said in ye Street Commonly Called and known by the Name of Dock Street, bounded Southerly by Said Street Northerly by the Ground of Cornelius Van Horne Son of John Van Horne, Westerly by the House and Ground of Stephen Van Cortland and Easterly by the House and Ground of Said Cornelius Van Horne

With all and Singular its Apurtenances to Such Person or Persons as she Shall think fit and to Receive the purchase money for the Same and that her Conveyance by her duly Executed for the Same Shall be good and Effectual in the Law to Assigne the property and Possession thereof unto Such Person or persons as Shall purchase the Same against the Heirs of the Said Albertus Conrardus Bosch and every of them or any Person or Persons which might Claim any Title to the Same by from or under the said Albertus Conrardus Bosch.

And be it further Enacted by the Authority aforesaid, That it Shall and may be Lawfull to and for the Said Elsie Bosch in the best Manner She Shall think fit to Dispose of the Moneys arising by the Sale of the Said House and be Secured unto her, for her Maintenance and that after her Decease, what shall be left or remain Shall be divided in Manner, following, that is to say, one fifth part thereof unto the Children of Jurian Bosch Deceased

their Executors and Administrators, one other fifth part thereof unto Justus Bosch his Executors or Administrators, one other fifth part thereof unto Albertus Bosch his Executors or Administrators, One other fifth part thereof unto Casparus Bosch his Executors or Administrators, and one fifth part thereof unto Anna Maria Burck the Daughter of the Said Albertus Conrardus Bosch Deceased her EXECUTORS and Administrators, any Law usage or Custom to the Contrary thereof in any wise notwithstanding.

[CHAPTER 401.]

[Chapter 401, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 215.]

An Act for the Enabling Such Person as his Excellency the Governour Shall Appoint to receive and Collect the Duties due and payable in the County of Suffolk by Vertue of an Act of the Generall Assembly of this Province past in the Seventh year of his Majesties Reign Entituled an Act for A Supply to be granted to his Majesty for Supporting his Government in the Province of New York during the time therein Mentioned.

[Passed, July 27, 1721.]

Whereas there are Several Towns in the East End of the Island of Nassaw, and in the County of Suffolk, in the Same Island, the Inhabitants of which Drive a Considerable Trade, and Import Several goods and Commodities, on which Duties are laid and payable by Virtue of the Act before-mentioned, but the Said Towns being so remote from the City of New York, that the Inhabitants of the Said Towns Cannot longer Mannage and carry on the Said Trade and Importation of the Said Commodities, without A considerable disadvantage to themselves, unless they Privately and Clandestinely import the Same, to the great hurt and Impairing of his Majesties Revenue in this Province, or unless Some fit and Discreet Person, who doth or Shall Inhabit within the Said County of Suffolk, be Impowered to Collect and receive the Duties arising and growing due within the Said County, by Virtue of the before-mentioned ACT. In order therefore, for the Encouragement of the Said Inhabitants, and increasing of Trade

and Commerce among them, advancing his Majesties revenue, and preventing Illegall and Clandestine practices in the Managery of the Said Trade, Be it Enacted by the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same, That Some Able fit and Discreet Person, Inhabiting, or that Shall Inhabit, dwell or reside in the Easter most parts of the Said County of Suffolk, be by his Excellency the Governour of this Province, by Warrant under his hand and Seal, named and appointed Treasurer of the County of Suffolk, who is hereby Impowered, directed and appointed to Collect, gather and receive all and every Sum and Sums of money due and payable for any the goods, wares and Commodities Enumerated in the before-Mentioned Act, that Shall be Imported, Landed or put on Shore in the County of Suffolk, in The Island of Nassaw; all and every which Sum and Sums of money, so by the Treasurer of the County of Suffolk gathered, Collected and received, Shall by him be paid to the Treasurer of this Colony, whose receipt Shall be a Suffieient Discharge for so much to the said Treasurer of the County of Suffolk.

AND for the more regular, ready and Effectual gathering, Collecting and receiving the Several dues and duties arising and becoming Due, or that Shall arise and become due in the Said County of Suffolk, by Virtue of the Act before-Mentioned, Entituled, An Act for a Supply to be granted to his Ma'ty for Supporting his Government in the Province of New York, during the time therein Mentioned, and for repealing one Act of the Generall Assembly of this Province, entituled, an Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York, from the first Day of July, which Shall be in the Year of our Lord one Thousand Seven hundred & Twenty, until the first Day of July, One Thousand Seven hundred and Twenty one.

Be it Enacted by the Authority aforesaid, That every owner or Master of any Ship or Vessell, who Shall Import into the Said County of Suffolk, any of the Goods, Wares or Merchandize in the herein before-Mentioned Act Enumerat'd, or the owner or Importer of any the Said Goods, Shall, before he be permitted to Land or put the Same on Shore, Produce to the Said Treasurer of the County of Suffolk, a true, Exact & particular Coppy, under the hand & Seal of the Collector of the Eastern District of the Island Nassaw, of the Report made by the owner or Master of every Such Ship or Vessel,

of all the Goods in the Said Act Enumerated, Imported in the Ship or Vessel, of which he is owner or Master, and Shall make oath, which the Said Treasurer is hereby Impowered, directed and required to Administer, That the Said report is a true and just report of all the Goods imported in the Said Ship or Vessel, by him owned, Commanded or Navigated; and the owner or Importer Shall pay, or Secure to be paid to the Said Treasurer of the County of Suffolk, the Several dues & Duties in the before Mentioned Act Impos'd and Directed to be paid for the Goods so Imported, then, and not otherwise, the Said goods Shall be permitted to be Landed & the Sum of two Shillings in the Pound is hereby given to the Said TREASURER of the County of Suffolk, as a fee, reward or Sallary for the Services hereby Directed by him to be Performed, any thing the Contrary hereof in the before-Mentioned Act in any wise Notwithstanding.

AND be it Enacted by the Authority aforesaid, That the Said Treasurer of the County of Suffolk, Shall, before he Enters upon his Office, Enter into recognizance to Our Sovereign Lord the King, with two Sufficient Securities, in the Sum of Three hundred Pounds, for the true and faithfull discharge of the trust reposed in him by Virtue of this Act; and upon his being Nominated and Appointed, as aforesaid, besides the Oathes & Tests, and Subscriptions taken and made by the Several officers of this Government, Shall take the following Oath, I A: B: Treasurer of the County of Suffolk, will truly and faithfully, According to the Best of my Skill, Judgment and Ability, Collect, gather, receive and Secure to be paid all and every Sum and Sums of money due and payable, or that Shall become due and payable in the County of Suffolk, during the Continuance of my Office (by Virtue of all or any the Acts of the Generall Assembly of this Province) for goods, Wares and Merchandizes Imported into the Said County, & which, by Virtue of my Office, I am to Collect & receive, I will keep true and full Accounts of all money by me received, or Notes taken, and will once in every Six Months TRANSMIT Coppys of the Same to the Treasurer of this Province, for the time being; and I will once in every Six Months pay unto the Treasurer of this Colony all and every Sum and Sums of money by me Collected and received. So helpe me God.

Provided always, That it is the true Intent and Meaning of this Act, that all Goods and Merchandizes brought from the City of New York, for which the Duty has already been paid, Shall not be lyable to pay any more Duty by Virtue of this Act.

[CHAPTER 402.]

[Chapter 402, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Collecting and paying the
Arrears of Taxes for the two Expeditions to
Canada

[Passed, July 27, 1721.]

WHEREAS there are Sundry Arrearages of Taxes for Defraying the Charge of the Expeditions to Canada that remain uncollected and in the hands of Several Collectors of the Citys, Countys, Towns, Mannors and Precincts within this province.

BE it Enacted by the Governour Council and General Assembly and by the Authority of the Same, That the Collectors for the Several Countys Cities, Towns Mannors Liberties and Jurisdictions in this Colony, who were and have been at any time Chosen and appointed to levy and Collect all or any part of the Taxes raised in this Colony by Virtue of one Act for Levying Six Thousand Pounds. An Act for levying four Thousand pounds. An Act for levying Ten Thousand pounds, and an Act for levying Ten Thousand Ounces of Plate or fourteen Thousand five hundred and Forty five, Lyon Dollars in Case of Death or Removal the Collector or Collectors for the time being, Shall and are hereby Directed and required and Impowered to levy and Collect the Arrears of all or any part of the Said Taxes, according to the then Assessments made of and from the Several and respective Persons in the Several and respective Counties, Cities, Towns, Mannors, Liberties and Jurisdictions in this Colony, Chargeable therewith. And for the more easy performance thereof,

BE it further Enacted by the Authority aforesaid, That the Treasurer of THIS Province do draw out a Distinct Account how much every City County, Town, Mannor or Precinct have paid of the four Respective Taxes above Mentioned; the Collectors Name who paid the Same, and an Account how much each County is in arear; which Accounts are to be forthwith Transmitted to the Mayor and Aldermen for the City of New-York, and the Justices of the Peace of the Several and Respective Counties; which said Mayor and Aldermen, and the Justices of the Peace of the Respective Countys, or the Major part of them, are within Thirty days to Send for the Collector of their respective City, Towns, Mannors or

Precincts, requiring them to produce the lists and Warrants they had to Collect the Said Taxes, and their Receipts of the Treasurer, from time to time, what they have paid of the Same, which is to be Compared with their Lists of the respective Taxes; and if it be found that any Collector that have received more by his Said Lists and Warrants, than he Can produce the Treasurers receipt for, then the Said Collector, if alive, or upon his Decease, his Executor or Executors, Shall be Obligated to pay Such Sum or Sums of money to the Treasurer, for the time being, in two Months time, upon the penalty of Double Such Sum as Shall be found that the Said Collector had Received, to be Destrained on his or their goods and Chattles, by a Warrant from any Two or more Justices of the Peace; but if it Shall appear, by his List, that there are Several Persons who have not paid their Taxes, then Such Collector or Collectors of Such City, Town, Mannor or Precinct, if alive, else THE Collector of Such place, for the time being, Shall Levy the Said Arrears of all Such Taxes, as aforesaid, according to the then Assessments made, of and from the Several and Respective [Persons, or their Executors, in the Several and Respective] Counties, Citys, Towns, Mannors, Liberties and Jurisdictions in this Colony, Chargeable there-with, in order that the Same may be paid forthwith to the Treasurer, for the time being, according to the Purport of the Several Acts passed for the paying of the Said Taxes. And whereas there are Several Islands and Mannors in this Colony, that have no Collectors appointed to Levy and receive the Taxes they are Charged withal,

Be it therefore Enacted by the Authority aforesaid, That it Shall and may be Lawful for any two Justices of the Peace of the County where Such Mannor or Island lyes, to grant a Warrant to the Constable of the Next Adjacent Town, in the Said County, to go into Such Island and Mannors, and Demand Such Arrearages as the Owners Still owe of the Said four Taxes, and if the Owners of Such Islands and Mannors, or the Tenants in Possession refuse or Neglect to pay the Said Arrears, that the Said Constable to take to his Assistance so many of the Free-holders of the Town where to he belongs, as he Shall think fit, and enter into Such Island and Mannor, and Levy the Said Arrears, by Distress upon the goods and Chattles of the Said Owners, Tenants or Possessors of Such Island and Mannor, and the Said Distress to Lead, Drive or Carry away to the Next TOWN and there in four Days Expose to Sale at Publick Vendue Such Distress and out of the Money of Such Sale the Constable is Required to pay the Said Arrears of Taxes to the Treasurer

of the Colony for the time being whose receipt Shall be his Discharge and also pay the Charge of Such Distress and return the overplus to the owner if any be and whereas there are no Towns, in the Counties of Orange or Dutches County whereby it will be Difficult to find out what Precinct or Neighbourhood are in arrear of the Said Taxes.

Be it therefore hereby Enacted by the Authority aforesaid, that the Arrears that Shall be found due by the Treasurers Books of the Said four Taxes be laid levyed and Assessed upon each of the Said two Respective Counties and Asses'd by the Assessors for the time being by Warrant from any two Justices of the Said County, and Collected by the Respective Collectors, which Said Arrear is to be paid into the Treasurer of this Colony in four Months time after the Publication hereof by the Said Collector or Collectors who are to take a receipt from the Treasurer for the Same, and if any Person Neglect or Refuse to pay the rate they Shall be so Assessed then the Collector to Distrain on the Goods and Chattles of Such Person So refusing as has been Customary by the laws of this Government where Taxes has been Imposed upon the Inhabitants thereof.

AND Whereas Some Collectors of the Respective Citys Towns Mannors or Precincts may be remov'd or Dead whereby the Justices of the Peace cannot Come to the knowledge how much Such City Town Mannor or Precinct ARE in arrear, no Lists being to be found of the above Specified four Acts of Assembly.

BE it therefore Enacted by the Authority aforesaid, that in Such Case it Shall and may be Lawfull for the Justices of the Peace of that County where Such City, Town, Mannor or Precinct Shall happen to be or the Major part of them to Direct their Warrant to the Assessors of Such Town Mannor or Precinct to Assess the Inhabitants thereof for any Such Sum that City, Town, Mannor or Precinct Shall be found in arrear to the Said four Acts and require the Collectors to Collect the Same and if any of the Inhabitants of Such City, Town, Mannor or Precinct Shall refuse Neglect or Deny to pay the Said Sum or Sums of money as aforesaid, that then Distress Shall be made upon his her or their goods and Chattles and the Same to be Sold by Publick Vendue or out Cry to the Highest Bidder and the overplus if any be, after reasonable Charges are Deducted Shall be return'd to the owner and Owners all which Said Sums of money so receiv'd by any Collectors to be paid or Transmitted to the Treasurer of this Colony for the time being whose receipt shall be a Sufficient Discharge to the Said Collector or Collectors Respectively.

AND be it further Enacted by the Authority aforesaid that the Mayor and Aldermen for the City of New York and the Justices of the Peace of the Several and Respective Cities and Counties Shall take EFFECTUAL Care, and are hereby Impowered and required to Cause this Act to be put in Execution according to the true Intent and meaning thereof, under the Penalty and Forfeiture of Ten Pounds Current Money of this Province each to be recovered by the Treasurer of this Colony for the time being, who is hereby Required and Authorized to Sue for the Same in any Court of Record in this Colony and to apply the Same towards Defraying the Necessary Charge of this Colony, the Said Treasurer to be allowed the Charge of Such Suits out of any publick money in his hands.

AND be it further Enacted by the Authority aforesaid, that the Said Collectors and every of them Shall have the Same Power and Authority Privilege and Advantage for the putting this Act in Execution, and be lyable to and undergo the Same Pains and Penalties in Case any Omission Neglect or abuse as the Collector in all or any the Acts of General Assembly are Invested with or lyable unto as if the Same were Specially and particularly and at large Mentioned in this Act.

[CHAPTER 403.]

[Chapter 403, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to Oblige the Treasurer to pay for the Stockadoes provided for the Fortifications in Albany and Schenectady.

[Passed, July 27, 1721.]

BE it Enacted by his Excellency, the Governour, Council and General Assembly, and by the Authority of the same, That the Treasurer of this Colony, for the time being, Is hereby Directed and Required to pay to Mr Philip Livingston of the City and County of Albany, or his Assigns, the Sum of Fifty Seven pounds, Nine Shillings & one Penny half penny, advanced by him on a Resolve of the General Assembly, for Stockadoes for repairing his Ma'ties Fort in the City of Albany; and to Carret Hansen, Esq'r of the Township of Schenectady, in the Said County of Albany, or his Assigns, for Stockadoes which he has Engaged to pay on the Credit of the said Resolve, for the Fort in the Said Township of Schenectady, in the County of Albany, aforesaid, Ninety one pounds Seven shillings & Nine pence out of the Publick money now in his hands, not appro-

priated, and that is or shall be paid to him the said Treasurer on the Duty on Vendues, and their Respective Receipts shall be a Sufficient Discharge to the Treasurer, for the time being, for the Same.

[CHAPTER 404.]

[Chapter 404, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 386. Continued by chapter 422.]

An Act for Continuing a Clause in an Act of General Assembly entitled, an Act for the further laying Out, Regulating and better Clearing Publick high-ways thro'out this Colony, so far as it relates to the County of Suffolk in this Province.

[Passed, July 27, 1721.]

WHEREAS there is an Act passed this present Assembly, entituled, an Act for better Clearing and further laying out high-ways, and the Representative for the County of Suffolk has desired, that the said County might be Exempted, and not Included therein, but that the former Act, passed in Twelfth Year of her late Ma'ties Reign, entitled, an Act for the further laying out, Regulating and better Clearing publick high-ways thro' this Colony, Expired by its owne Limitation, may be Revived, so far as it relates to the said County of Suffolk. Be it therefore Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the same, That one Act of General Assembly, entituled, an Act for the further laying out, Regulating and better Cleering Publick highways thro'out this Colony, expired the first of June last, be Revived, So far as it relates to the County of Suffolk, to all intents and purposes, for and until the first Day of July which will be in the Year of our Lord, One Thousand Seven hundred Twenty Two and no Longer.

[CHAPTER 405.]

[Chapter 405, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Expired July 1, 1723. See chapter 393. Continued by chapter 421.]

An Act for the further Continuing the Currency of Bills of Credit, to the Value of Six Thousand Ounces of Plate for and During the time therein Mentioned

[Passed, July 27, 1721.]

WHEREAS by Virtue of an Act of the General Assembly of this Province, made in the first Year of his Majestys Reign, Entituled,

an Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York, and for Striking Bills of Credit for that purpose. And whereas Bills of Credit, to the Value of Fifteen Thousand Ounces of Plate, were Struck, and Enacted to be Current in this Province during the time therein Mentioned. And Whereas Bills of Credit to the Value of three Thousand Ounces of Plate, being part of the before Mentioned Bills, were by one Act of the General Assembly of this Province, made in the fifth Year of his Majestys Reign, entituled, an Act, for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York, from the first Day of July, which Shall be in the Year of our Lord One Thousand Seven hundred and Twenty, until the first Day of July, one Thousand Seven hundred and Twenty one, Enacted to Continue Current During the time therein Mentioned. And whereas the urgent and pressing Occasions of this Colony make IT Still Necessary that the Currency of the Said Bills of Credit be Continued for a longer time than by the above Mentioned Acts, or either of them have been Directed and appointed, Be it therefor Enacted by the Governour Council and Generall Assembly, and it is hereby Enacted by the Authority of the Same, That Bills of Credit to the Value of Six Thousand Ounces of Plate, made Current by the Act before-Mentioned, and now remaining uncanceled in the hands of the Treasurer of this Colony, Be, and Continue Current in this Colony until the first Day of July, which Shall be in the Year of our Lord One Thousand Seven hundred and Twenty Two, that is to Say, Bills of Credit to the Value of three Thousand Ounces of Plate, part of the before-Mentioned Bills, being appointed to be Sunk and Destroyed on the first Day of July, Seventeen hundred and Twenty, Shall be Continued Current untill the first Day of July, which Shall be in the Year of our Lord One Thousand Seven hundred and Twenty Two: [and Bills of Credit to the Value of Three Thousand Ounces of Plate the] remainder of the Said Bills appointed to be Sunk and Destroyed on the first Day of July, which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty one Shall be Continued Current untill the first Day of July which Shall be in the Year of our Lord one Thousand Seven hundred and Twenty three and Shall be taken and received in all Manner of Payments, equally with any Bills of Credit made Current IN this Colony in the Same Manner Regulation and Condition as is directed and prescribed in the Act by which the Said Bills were made Current, any thing to the Contrary hereof in any other Act of the Assembly of this Province to the Contrary hereof in any wise notwithstanding.

[CHAPTER 406.]

[Chapter 406, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for the better Repairing the Fortifications of the City of Albany.

[Passed, July 27, 1721.]

WHEREAS the Fortifications of the City of Albany are at this present time very much out of Repair, and that it is absolutely Necessary that the Said City be Surrounded with new Stockadoes, and that all the Gates thereof be made and Set up a New, Be it therefore Enacted by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the Mayor and Aldermen of the City of Albany, and the Justices of the Peace for the Said City and County of Albany, for the time being, Respectively, or the Major part of them, are hereby Directed and Impowered to Cause the Inhabitants of the Said City of Albany, at their own Respective Cost and Charges, for the use aforesaid, to Provide and bring to the Said City of Albany a Sufficient Number of Stockadoes, for the Surrounding the Said City, not Exceeding the Number of Ten Thousand, and that of the Length & bigness, as the Said Mayor, Aldermen and Justices of the Peace, or the Major part of them Shall Order & Direct, to be of White or Yellow Pine, at Such Place and Places in the Said City, as to the Said Mayor, Aldermen & Justices, for the time BEING, or the Major Part of them, Shall be Ordered and Directed. And for the More orderly and better Execution of this Act, be it enacted by the Authority aforesaid, That the Said Mayor, Aldermen and Justices, for the time being, or the Major Part of them, are hereby ordered and Directed to Assemble and meet at the City Hall of the Said City of Albany, on the Third Tuesday of October, in this present Year of Lord one Thousand Seven hundred and Twenty one, and at Such other times as they, or the Major part of them Shall think fit, and there the Said Mayor, Aldermen and Justices, or the Major part of them, do Issue out their orders to the Assessors of the Said City and County of Albany, for the time being, respectively, to Assess on all and every the Inhabitants of the Said City of Albany, and Freeholders and Tenants within the Said County, Equally and Proportionably, according to the Value of their Estates, Respectively, to Deliver, or Cause to be delivered in the Said City of Albany, at

Such place and places within the Same, as the Said Mayor, Aldermen and Justices, or the Major part of them, Shall Direct, a Sufficient Number of Stockadoes, not Exceeding Ten Thousand, as aforesaid, and that on or before the fifteenth day of January, in this present Year of our Lord, one Thousand Seven hundred & Twenty one. And the Said Assessors are hereby, Respectively, Commanded to return their Assessment, so to be made in manner aforesaid, under their hands unto the Said Mayor, Aldermen and Justices, or the Major part of them, in the SAID City of Albany, on the last Tuesday of the Said Month of October, whereupon the Said Mayor, Aldermen and Justices aforesaid, or the Major part of them, as they are hereby Directed and Impowered, Shall Cause the Constable of the Said City and County of Albany, Respectively, or Such other Officer, for the time being, as they Shall think fit, to give Notice to the Inhabitants of the Said City of Albany, and the Freeholders and Tenants, as aforesaid, Respectively, in their Several Precincts, of the Number of the Stockadoes on them, Respectively, Assessed and Ordered them, respectively, to cut, prepare and bring the Same in the Said City of Albany, for the use aforesaid, on or before the Said fifteenth day of January aforesaid, or at Such other time or times, as the Said Mayor, Aldermen and Justices of the Peace, or the Major part of them, Shall Direct. And be it further Enacted by the Authority aforesaid, That if any of the Inhabitants of the Said City and County of Albany, or of the Free-holders and Tenants Shall refuse or neglect to provide and bring to the city of Albany, aforesaid, the Number of Stockadoes, so Respectfully Assessed upon them, as aforesaid, at the time & place aforesaid, he or they, so Offending, Shall forfeit the Sum of three Shillings Current Money of New York, for every Stockadoe he or they Shall bring less than the Number Assessed, to be recovered before the Said Mayor, Aldermen & Justices, or any of them, and to be by them the Said Mayor, Aldermen and Justices, or the Major part of them, employed for the Providing of Stockadoes FOR the use aforesaid, and not otherwise. And be it further Enacted by the Authority aforesaid, That if any of the Assessors aforesaid, for the time being, Shall neglect, refuse or delay to make Such Assessment, in Manner aforesaid, and return the Same at the time aforesaid, According to the true Intent and meaning of this Act, he or they, so offending, Shall forfeit the Sum of Twenty five Pounds Current money of New York, to be recovered by Bill, Complaint or Information in any Court of Record within the

Said City of Albany, where no Essoin, protection wayer of Law, or any Imparliance Shall be allowed; and the Said forfeitures to be employed by the Said Mayor, Aldermen and Justices, or the Major part of them, for the uses aforesaid, and no otherwise.

And be it further Enacted by the Authority aforesaid, That it Shall and may be Lawful to and for the Said Mayor, Aldermen and Justices aforesaid, or the Major part of them, and they are hereby ordered and Directed to order and Comand the Inhabitants of the Said City of Albany, and the Free-holders and Tenants of Said County, respectively, on such Days and Times, as to the Said Mayor, Aldermen and Justices, or the Major part of them, Shall Seem meet, to appear in the Said City of Albany, to Set up, or Cause to be Set up, the Said Stockadoes so by them, Respectively, brought round Such part of the Said City as they Shall, Respectively, be Directed by the Said Mayor, Aldermen and Justices, or the Major part of them.

AND every Person or Persons refusing to Obey the Order aforesaid, or refuse and Neglect to appear when thereunto required, in Manner aforesaid, to Set up the Said Stockadoes, Shall forfeit for every days Absence or Neglect, the Sum of four Shillings Lawful money aforesaid, to be recovered in manner aforesaid, and to be Employed by the Said Mayor, Aldermen and Justices, or the Major part of them, in hiring men to Set up the Said Stockadoes, and no otherwise provided always, That the Said Stockadoes be all Set up, and the work Compleated on or before the first day of June, which Shall be in the Year of our Lord, one Thousand Seven hundred and Twenty Three. AND WHEREAS the making and Setting up the Gates of the Said City, and buying the Necessary Materials for the Same, and the Squaring the Stockadoes and other Insidentalls concerning the Same, will of Necessity Occasion Some Expences and Charges, for the Defraying whereof,

BE it Enacted by the Authority aforesaid, That it Shall and may be Lawful to and for the Said Mayor, Aldermen and Justices, or the Major part of them, to Cause a Certain Sum, not exceeding the Sum of one hundred Pounds, Current money of New York, to be raised and levyed on all and every the Inhabitants of the Said City of Albany, the Freeholders and Tenants of Said County, in Such and the like Manner, and under the Same Regulation, paines and Forfeitures AS all other the Publick and Necessary Charges of the Said City and County are raised, Levyed and paid, so that the Same be paid into the Treasurer of the Said City of Albany, on or before the

Said first Day of June aforesaid; which Said Sum so raised, as aforesaid, Shall be Disposed of by the Said Mayor, Aldermen and Justices, or the Major part of them, for the Uses aforesaid, and not otherwise, by Warrant under their hands and Seals, or the hands and Seals of any three of them, any Law, Usage or Custom to the Contrary hereof in any wise notwithstanding.

Always provided, That the Town Ship of Schenectady is Exempted from this Law.

[CHAPTER 407.]

[Chapter 407, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to Impower the Justices of the Peace in Queens County to Sell the Court House and Jailes in the Said County and Build another.

[Passed, July 27, 1721.]

WHEREAS The Court House and Jaile in Queens County is very Inconvenient and out of repair. Be it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the Justices of the Peace in the Said County or the greater Number of them are Impowered and required to Sell and Dispose of the Said Court House and Land and Jail or Jailes to the Highest bidder and to give Notice of Such Sale one Calender month of their Intention of Such Sale by fixing Advertisements thereof in Several publick places in the Said County and the money Arising by Such Sale Shall be paid to Such Person or Persons as Shall be Impowered by the Justices aforesaid to Receive the Same to be paid in Such Manner as the Major part of the Justices of the peace Shall think fit, for and towards the Building another Court House and Jail or Jailes in the Town of Jamaica, as the Said Justices or the greater Number of them at their next Sessions to be held in the Said County, or at any time before as the Said Justices Shall think fit.

And be it further Enacted by the Authority aforesaid That Such Deed or Deeds Conveyances and Assurances of the Said Court House and Jaile or Jailes to be Sold in Manner aforesaid, Executed in Due form of Law by the Said Justices or the greater Number of them Shall be good and Effectual in the Law to Such Constructions and purposes as Shall be Expressed in and by the Said Deeds any Law to the Contrary thereof in any wise notwithstanding

[CHAPTER 408.]

[Chapter 408, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Livingston & Smith and Van Schaack state that this act was confirmed by the King, April 30, 1724.]

An Act for Remitting and Exempting Gilbert Livingston from paying the Sume of Three Hundred Pounds Due from him for the Excise on Strong Liquors farmed by him.

[Passed, July 27, 1721.]

WHEREAS Gilbert Livingston Did hire and take to farm the Duty of Excise on Strong Liquors laid by an act of the Generall Assembly of this province Passsed in the twelfth Year of her late Majestys Reign Entitled an act for laying an Excise on all Strong Liquors Retailed in this Collony and was by one other act made in the fourth Year of his present majesties Reigne Entitled an act for letting to farm the Excise of this Collony for the Space of five Years and to Enable the farmers there of Effectually to Collect the Same to pay and allow for the Same the Sum of fifteen hundred pounds Yearly in Current money of this province or bills of Credit made Current in the Same, and where as it appears to the Generall Assembly of this Province that the Said Gilbert Livingston has used his utmost Endeavours to Raise the Said Duty of Excise and has Actually Raised the Vallue thereof to a greater Price than has at any time been given in this Collony but Nevertheless has not been able to Raise the Same to Such Vallue as was Sufficient to pay the Sume of fifteen hundred pounds Yearly by the Said Livingston Engaged and Secured to be payed but that the Same has fallen Short and proved Defficient which Defficiency has been Chiefly occasioned by the warr with Spain by which flower and Bread the produce of this Province have fallen in their Vallue for want of Exportation of Sufficient Quantities of the Said Commodities which has given a Generall obstruction to the Trade and Commerce of this Collony which has affected the publique houses or persons Retailing Strong Liquors as well as all other persons within the Same, And the generall Assembly of this Province being willing to Contribute to his Relief Do pray that it may be Enacted by the Governour Council and Generall Assembly of this province AND it is hereby Enacted by the Authority of the Same that the Said Gilbert Livingston his heirs Executors and administrators be and are hereby Released and acquitted from paying the Sume of Three hundred pounds Current

money of this province part of the Sume of Three thousand pounds which was payable by the Said Livingston for the Duty of Excise by him farmed for the Years from the first of November Seaventeen hundred Seaventeen to the first of November Seaventeen hundred Nineteen and that if the Said Gilbert Livingston on or before the first day of August Seaventeen hundred twenty two pay into The Treasurer of this Collony for the time being the just and full Sume of Eight hundred Pounds Current money of this Collony which with the Nineteen hundred pounds, paid already by Francis Harison Esqr. and the Said Gilbert Livingston to the Treasurer makes Seaven and twenty hundred pounds for the two Years of Excise Commencing the first of November Seaventeen hundred Seaventeen and Ending the first November Seaventeen hundred Nineteen in the Spanish Coins of Sevill Pillar or maxico plate or in bills of Credit made Current in this Collony that it Shall be Deemed and taken as a full Sufficient and Satisfactory payment for all and Every Sume and Summs of Money Due and payable by the Said Gilbert for the Duty of Excise by him taken to farm for the time aforeSaid and the Said Treasurers Receipt for the Same Shall be a full absolute and Sufficient Discharge to the Said Gilbert Livingston his heirs Executors and administrators and to francis harison Richard Willet, John Nicols, Patrick Macknight, Thomas Smith, Robert Livingston Jun'r, Henry Beekman, Jacob Ruttse, Samuel Gerrettse, Johannis Hardenbergh and Peter haring the Persons who became bound and Surities for the Said Gilbert Livingston their and Every of their heirs Executors and administrators of and from all and all mannor of bonds Recognizances Statutes or judgements Entred into or Given in that Behalfe but that all and Every of the Said Bonds Recognizances Statutes or Judgments be and are hereby Declared and Enacted to be null and of none Effect, AND WHEREAS by the Severall payments of moneys collected for the Duty of Excise for the Year Commencing the first of November Seaventeen hundred and Nineteen and Ending the first of November Seaventeen hundred and twenty which payments have been made by francis Harison Esq'r. to the late and present Treasurer of this Collony it doth appear that the Chief management of Said Duty has been in the hands of Said francis Harison BE it therefore Enacted and it is Enacted by the authority afore Said that Said harison Shall at any time when thereunto Required lay before the Governour, Councill or Generall Assembly of this province An account of the Said Duty of Excise for the Year above named, with the names of the persons from whome Received and Shall produce the Treasurers Receipts for

his payment of the Same and the Said Francis Harison is here by Directed and Required forthwith to call in all the out Standing Debts Due on bonds or other Contracts of the Retailors of Strong Liquors within this Province for the third Year above Specified Commencing the first of November Seaventeen hundred and Nineteen and Ending the first of November Seaventeen hundred and twenty and to pay the Same to the treasurer of this province for the time being within Nine months after the publication of this Act

[CHAPTER 409.]

[Chapter 409, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for raising the Sum of Five hundred Pounds for Securing the Indians in his Majestys Interest

[Passed, July 27, 1721.]

For the Safety of this Province and Securing the Fidelity and Friendship of the five Nations of Indians.

Be it Enacted by the Governour Council and Assembly and by the Authority of the Same, That the Sum of Five hundred pounds Current money of this Province of New York is hereby granted to his Ma'ty towards the Defence of the Frontier and making a Settlement Amongst the five Nations where it Shall be found most Convenient and for Securing the Five Nations of Indians in the Interest of his Majesty and that the Same be laid, Assessed, raised and Levyed Upon the Estates Real and Personal, of all and Every the Inhabitants, Residents, Sojourners and Freeholders of and in this Colony, To be paid to the Treasurer of this Colony for the time being in the Manner following, that is to Say.

For the City and County of New York Ninety one Pounds.

For the City and County of Albany Seventy Seven Pounds.

For Kings County Forty Pounds.

For Queens County Eighty Pounds.

For the County of Suffolk Eighty Pounds.

FOR the County of Richmond Twenty Three Pounds.

For the County of West Chester Twenty Nine Pounds.

For the County of Ulster Fifty Five Pounds.

For the County of Orange Twelve Pounds and Ten Shillings

For Dutchess County Twelve Pounds and Ten Shillings.

And that the Same be paid into the Treasurer of this Colony for the time being on or before the first Tuesday of March Anno 1721.

And be it further Enacted by the Authority aforesaid. That for the better Assessing, Raising Collecting and Receiving the Said Sum of Five hundred Pounds, the Mayors and Aldermen of the Citys of New York and Albany with the Justices of the Peace or the Major part of them for the time being for the Several and respective Cities and Counties within this Colony do on or before the first Tuesday of September after the Publication hereof Assemble and Meet together in the Court Houses for the Several and respective Cities & Counties or Such other Place or Places as they Shall agree among themselves and there Order the Assessors and Collectors for the Several and Respective Cities Towns Mannors Liberties and Precincts within their Several Jurisdictions for the Assessing and Collecting of the Publick Rates for the Defraying of the Publick and Necessary Charge of Each Respective City and County aforesaid to be Assessors and Collectors for the Assessing and Collecting the Said Five hundred Pounds, according to the Proportions before Expressed IN like Manner as the Same Publick Rates are usually laid, Assessed and Collected.

And in Case any Mannor, Town, Liberty and Precinct, within the Respective Counties do or Shall refuse, neglect, omit, or not anually elect or once in the Year Chuse Assessors or Collectors, whereby the Intent of this Act may be eluded, It is hereby Enacted by the Same Authority, That then and in Such Case the Justices of the Peace for the Counties where Such Towns, Mannors, Liberties or Precincts, are hereby required, Impowered and Authorized to Nominate and appoint Assessors and Collectors for Such Towns, Mannors Liberties and Precincts which Assessors and Collectors Shall, to all Intents and Purposes, Observe the Directions of this Act, as any other Assessors and Collectors are by this Act obliged and Injoynd to do.

And be it further Enacted by the Authority aforesaid, That the Said Mayors, Aldermen and Justices of the Peace or the Major part of them for the respective Cities and Counties, have and Shall have full power & Authority, by Virtue of this Act, and are required any two or more of them or each of them by himself, to Administer an Oath to the Said Assessors and any or every of them, Well, truly, equally and Impartially, and in due Proportion, as it Shall appear to them, according to their best understanding to Assess and rate the Inhabitants, Sojourners, Residents and Freeholders of the respective places for which they Shall be Chosen Assessors.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons who shall be Chosen Assessors or Collectors, in Manner aforesaid, Shall Deny, Neglect or unequally and partially Assess or refuse to make Such Assessment, as by this Act is required, or Shall Deny, neglect or refuse to Collect any Sum or Sums of money in forme before Mentioned, laid, Taxed and Assessed and thereof be Convicted before any two Justices of the Peace of the Cities and Counties where Such Offender Shall dwell or reside (who are hereby required and Impowered to hear Determine and do the Same Shall by Warrant under the hands and Seals of Such two Justices of the Peace be Committed to the Common Jail, there to remain without Bail or Mainprize till he and they Shall make Fine and Ransom for Such Contempt as aforesaid. And if any Person or Persons, within this Colony who Shall refuse, neglect or Delay to pay the Several Sum and Sums of money appointed by this Act and Assessed in Manner aforesaid, for Such Person or Persons to pay upon Demand made by the Collector of the place, where Such Person or Persons Shall Dwell or reside it Shall and may be Lawfull to and for Such Collector for non-payment thereof, to distrain Such Person or Persons so refusing Delaying or neglecting, by his or their Goods and Chattles, and the Distress, so taken to keep by the Space of four Days, at the Costs and Charges of the Owners thereof, and if the Owner do not pay the Said Sum and Sums of money, so distrained for within the Said four Days then the Said Distress to be Publicly Sold by the SAID Collectors for the payment of the Said Money and the Overplus coming by the Said Sale (if any there be) over and above the Charge of taking keeping and Selling the Said Distress to be Immediately restored to the owner thereof

And also, Be it Enacted by the Authority aforesaid, That if any Mayor Aldermen or Justices of the Peace, within this Colony, who are hereby required Impowered and Authorized to take Effectual Care, that this Act be duely Executed, according to the true Intent and meaning hereof, Shall Deny, refuse, neglect or Delay to do, perform and Execute all or any of the Powers Duties and Authorities by this Act required by him or them to be done and Shall thereof be Lawfully Convict before any of his Majestice Courts of Record within this Colony, he or they Shall Suffer Such Pains by Fines and Imprisonment as by the Discretion of the Justices of the Said Courts Shall be adjudged.

And be it further Enacted by the Authority aforesaid, That the Several Collectors herein before Mentioned Shall pay in the Severall Sums of Money by them, by Virtue of this Act to be Collected

and Levied, to the Said Treasurer retaining to themselves the Sum of Nine pence in the pound for all Such money as they Shall Collect and Levy as aforesaid. And also, That the Said Treasurer Shall Dispose and pay out the Said Money so by him to be received, by Warrant from his Excellency the Governour in Council for the time being & by no other Mandate or Order, whatsoever, and the Said Treasurer Shall retain in his Hands the Sum of one Shilling in the pound for receiving & paying out the Same.

AND be it further Enacted by the Authority aforesaid that the Said Treasurer on the payment to him of the respective Sums of money Collected and Levied by the Several Collectors, Shall give them receipts Gratis for Such Sum or Sums of money as shall by them or any of them be paid unto him, which receipts Shall be to the Severall Collectors aforesaid a good Sufficient Acquittance and Discharge in the Law for so much as in the Same Shall be Mentioned to be received.

AND be it further Enacted by the Authority aforesaid, that there Shall be raised over and above the Sum of five Hundred pounds Nine pence in the Pound for the Collecting and paying in the Same, and one Shilling in the Pound to the Treasurer for receiving and paying the Same as above Said, and that in every Respective City and County According to their and every of their Respective Quota's.

And be it further Enacted by the Same Authority, That the Said Treasurer Shall keep a true and Exact Acco't of all Such Sum and Sums of money as Shall so by him be received and paid, and Such Account give and Render at all times, when required, to the Governour Council and Assembly, for the time being when required the Same.

[CHAPTER 410.]

[Chapter 410, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 212. See chapter 6. The act was enforced and the penalty increased by chapter 1021.]

An Act to prevent Vagrant and Idle Persons from being a Charge and Expence to any the Counties, Cities Towns, Mannors or Precincts within this Province.

[Passed, July 27, 1721.]

WHEREAS Several Idle and Necessitous Persons come or are brought into this Province from the Neighbouring Colonys & Plantations, or Some of his Majesties Plantations, who have either Fled

from thence for fear of punishment for their Crimes, or being Sloathfull and unwilling to Work, have Contracted Debts, and to avoid the payment of them, Transported themselves into this Province, Verry often to the great Damage of the Persons so Transporting them, as well as charge & Trouble to the Places, into Which they come, or are brought, by reason of their lurking Privately in Cities, or in Places in the Counties remote from the habitations of Justices of the peace. In order therefore to prevent the Same as much as may be for the Future, Be it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That every Housholder who Shall Entertain in his house or Family, for and During the Term of Three Days, any Stranger, not an Inhabitant of the City or County in which Such housholder so Entertaining shall Dwell, and not known to Said housholder to be a Person of good and SUFFICIENT Substance, such Householder Shall make Known to the Mayor or next Justice of the peace, the Name; Quality, Condition and Circumstances of the Person so Entertained, According to the best knowledge of the Said Housholder, on the Penalty of maintaining the Said Stranger, or becoming bound that Such Stranger Shall not become a Charge or burthen to the City, Town, Mannor or Precinct in which Such Housholder so entertaining Shall Inhabit.

And the Said Mayor or Justice of the peace, so, or otherwise Inform'd, or Seeing, if they Suspect the Said Stranger to be of Insufficient abilities, or likely to become a charge and burthen to the City, Town, Mannor or Precinct in which Such Stranger then is, may Send for and Examine Such Stranger, and upon Examination, if the Said Mayor, or Justices, assisted by one other Justice, find Such Stranger not of Sufficient Substance, and likely to become a Charge to the City, Town, Mannor or precinct in which Such Stranger then Shall be, the Said Mayor or Justices, by Warrant Directed to the Constable, may Send the Said Stranger to the place from whence he or She last Came; and the Constable Transporting Such Stranger Shall Deliver Such Stranger or Vagrant Persons, together with his Warrant, to Some Constable of the City, Town, Mannor or precinct of the places from whence he or She last Came; and so to be Carried from Constable to Constable, until the Said Stranger Shall be Carryed to Some place in which he or She has remained During THE time of Forty Days, or untill Such person is Transported to the place of his or her Nativity, if within this Province, or into the Neighbouring Colonies of Jersey, Connecticut, or Masa-

thusets-bay, if from thence he or She Came. And if Such Stranger has remained and dwelt in any City, Town, Mannor, or Precinct longer than the Term of Forty Days, then and in Such Case the Mayor of the Said City, or any two Justices of the peace of the County, dwelling in or Near any Such Town, Mannor or Precinct, Shall Cause to be brought before them Such and so many of the Inhabitants, householders, who have Entertained Such Stranger or Vagrant Person during the Term of three days without informing or making the Same known to the Said Mayor or Next Justice, as aforesaid, who Shall enter into Recognizance, with Sufficient Sureties, That the Said Stranger or Vagrant Person Shall not become a Charge and burthen to the Said City, Town, Mannor, Parishes and Precinct. And in case any the Said Persons, so having Entertained, as aforesaid, Shall refuse to become bound, as aforesaid, Such Person or Persons so refusing (if of good ability) Shall by the Said Mayor or Justices be committed to the next Goal, there to remain until they Shall agree to become bound, as aforesaid; and Such Recognizance Shall not be avoided by any Plea of Duress, anything to the Contrary hereof in any wise notwithstanding. Or in Case the Said Person or Persons Entertaining Shall not be of Sufficient ability to become BOUND as aforesaid or the Mayor or Justices aforesaid Shall not think fit to take Such recognizance, that then the Said Mayor or Justices Shall Send the Said Vagrant from Constable to Constable till Transported to the place where he or She were born or out of the Province as aforesaid the Charge of Such Transportation to be brought into the County Charge and raised Levied and Collected in the Same Manner and with the other County Charges. And after the Same manner paid.

And be it further Enacted that if any person so Transported return into this Province or from the Place of his or her birth so as likely to become a burthen and Charge as aforesaid Such person so returning Shall, by Warrant from the May'r or Justices as aforesaid be apprehended & retransported as aforesaid, and Shall by every Constable into whose charge the Said Vagrant Shall come be Stripp't from the wast upwards & receive, if a man not exceeding Thirty one lashes, if a Woman not exceeding Twenty five lashes on the bare back and so as often as he or She Shall return after Such Transportation.

And Whereas by the Laws and practice in force and use in Some of his Majesties Islands and Plantations in America very great Penalties are laid on Such Masters of Ships or other Vessels who

Shall Carry of or Transport from the Said Islands or Plantations any person not having first obtained a Ticket or Lycence from the Governour of SUCH Islands or Plantations permitting Such Transportation and every Master of a Ship or other Vessell Trading to Such Island or Plantation, is to become bound with Sufficient Sureties in very Large Sums of money not to carry off or Transport any Person without Such Ticket leave or Lycence first had and obtained According to the usual formes and Meathods Practiced in the Said Islands and Plantations and whereas Persons deeply In-debted in the said Islands and Plantations, find means privately to be Conveyed on board in Casks or Chests without the knowledge of the Master of Such Vessell and Conceal themselves on board till they are got so many leagues from the Said Islands and Plantations that it is Impracticable to return to the Said Islands and Plantations without manifest Hassard of the Voyage. Or by untrue allegations feigned letters and Deceitfull Practices and Insinuations prevaile upon Masters of Ships or other Vessells to Transport and carry of the Said Persons without haveing duely obtained Such Ticket or Lycence as aforesaid to the great hurt, Damage and loss as well of the Said Master so Transporting as of the Owners of Such Ships or Vessells and their factors Carriespondents or relations who generally become Securities for the Said Master and to the great Obstruction of Trade, by making it Difficult to Procure Securities. In order therefore to prevent, as much as may be, the Damage and LOSS Occasioned to the Masters or owners belonging or Trading to this Province, by reason of Such Carrying off and Transportation without Lycence, as aforesaid, Be it Enacted by the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same, That it Shall and may be Lawful for any Master or Owner of any Ship or Vessel bringing any Person or Persons into this Province, from any the Said Islands or Plantations, without having Obtained a Ticket or Lysence, as aforesaid, or for the Factor, Correspondent or Attorney of any Person who hath or Shall become Security for Such Master, to Seize, apprehend and Secure any Person or Persons So Carried off, Transported and brought into this Province, without having first Obtained Such Ticket or Lysence, as aforesaid, and them Shall Carry before the Chief Justice of this Province, or Mayor of the City of New York, for the time being, and when brought before the Said Chief Justice or Mayor, if Such Person or Persons, so brought, do not by the oath of one or more Credible Witness or Witnesses, prove he, She or that they did,

before their leaving Such Island or Plantation from whence they are Said to be brought, Produce to the Master Such Ticket or Lysence for their Transportation, as aforesaid, or Shall not enter into bond with two Sufficient Securities, Inhabiting within this Province, in the Sum of Two Thousand Pounds, That Such Person so brought before the Said Chief Justice or Mayor, his Heirs or Assignes, Shall pay To the Master or Person having become Security in the Said Island or Plantation their or either of their Heires or Assignes all Damages Costs and Charges that Shall be Suffered and Expended by the Said Master, and Person having become Security or either of them their or either of their heires or Executors that then and in Such Case of not proving or giving bond and Security as aforesaid the Person or Persons so brought before the Said Chief Justice or Mayor as aforesaid Shall remain in the Custody of the Person or Persons so apprehending him her or them to be Sent back again to the Island or Plantation from whence they were Carried of or Transported as aforesaid, any Law Custom or usage to the Contrary hereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid that every Master of any Ship or Vessell That Shall enter in his Majesties Custome House within the City of New York within Twenty four hours after his arrival make report to the Mayor of Said City for the time being, of all and every Person or Persons that he Shall bring in his Ship or Vessell, that is not Shipt as a Saylor on board of his Said Ship or Vessell under the Penalty and Forfeiture of five pounds Current Money of New York, to be recovered by Warrant from the Mayor of Said City who is hereby Impowered and required to Issue the SAME to the under Sherife or any Constable within Said City Requiring them or any of them to Levy the Said Sum by Distress upon the Master his Goods and Chattles the one half to the Informer and the other half to the Church wardens of Said City for the use of the poor any Law usage or Custom to the Contrary in any wise notwithstanding.

And if no Goods or Chattles to be found of Said master to make distress upon, then to be Committed to Goal and there to remain til he makes Satisfaction for the Same.

And be it further Enacted by the Authority aforesaid that if any Master Shall bring or Land any Person or Persons within this Colony that Cannot give a good Account of themselves to the Mayor of Said City or like to be a Burthen to the parish in said City Such master Shall Carry the Said Person or Persons back again, to the

place from whence he or She Came, under the penalty of Fifty pounds Current money of this Province, or give Sufficient Security in the Sum of Fifty pounds Current money of New York, to the Churchwardens of Said City, that the Person or Persons so Imported Shall not be or become a Charge to the Parish as abovesaid any Law usage or Custom to the Contrary in any wise notwithstanding.

[CHAPTER 411.]

[Chapter 411, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 211. Further provided for by chapters 856, 1542.]

An Act to prevent Lotteries within the
Province of New York.

[Passed, July 27, 1721.]

WHEREAS the Vending and Disposing of Goods, Wares, and Merchandize by way of Lottery, Raffling, Ballating and Voluntary Subscribtion, or otherways, that Determines and alters the Property of Goods by Lot, as Shall fall by Chance, having been Used and Practised to the Manifest prejudice of Trade, and Obstructions of Commerce and Vendues, and proved of pernicious Consequence to Merchants, Shop-keepers and Traders, by which great Frauds have been and Dayly are Committed in the Goodness and Quality of Such Goods, wares and Merchandize, as well as the Value thereof, by which there has been Some times Double the Vallue advanced and put on the commodities, beyond their Intrinsick worth.

BE it therefore Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That Such Person or Persons from and after the publication hereof who Shall presume to open OR put in practice, or Vend or Dispose of any Goods, Wares or Merchandizes by way or in Manner of Lottery, Raffling, Ballating, Voluntary Subscriptions, or other Method, that Shall Depend on or be Determined by Lott or Chance, Shall Forfeit and pay Double the Value of Such Goods So put up, to be recovered by any Person or Persons that Shall and will Sue for the Same in any Court of Record within this Province, Any Law, Usage or Custom to the Contrary here-of In any wise Notwithstanding. One half of which Forfeitures to be paid to the Treasurer of this Colony for the use of his Majesty, his heirs and successors, for and Towards the Support of this Government, and the other half to the Person or Persons that Shall so Sue for the Same, as aforesaid. Provided Nevertheless, That a Certain Lottery of Wil-

liam Lake, in pursuance of a Lycence obtained from this Government for that Purpose, shall not be Subject to the Penaltys and Forfeitures of this Act, any thing therein Contained to the Contrary notwithstanding. Provided, The Same be Actually Drawn on or before the first Day of May Next Ensuing the Date hereof.

[CHAPTER 412.]

[Chapter 412, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 211. See chapter 146.]

An Act for the more Equal and Impartial Assessing the Minister and Poores Tax to be raised within the City and County of New York, Queens County, West Chester County, and the County of Richmond.

[Passed, July 27, 1721.]

FOR the more Orderly Equally and Impartially Assessing the Minister and Poores Tax Annually to be raised within the City and County of New York, Queens County West Chester County and the County of Richmond pursuant to an Act of Generall Assembly of the Colony of New York passed in the fifth Year of the reign of their late Majesties King William and Queen Mary Intituled an Act for Settling a Ministry and raising a Maintenance for them in the City of New York County of Richmond West Chester and Queens County

BE IT THEREFORE ENACTED by his Excellency the Governour Council and General Assembly and by the Authority of the Same that the Severall Vestrey Men Annually Chosen by Vertue of the Act before Mentioned For the City and County of New York and Precincts of Queens County and the County of Richmond and the County of West Chester Shall before he or they take upon him or them the Exceution of Said Office take an Oath to be Administered in these Words following (Viz).

YOU do Sware on the holy Evangelist that you and every of you Shall wel and truly Execute the Duty of an Assessor and Equally and Impartially Assess the Severall FREEHOLDERS and Inhabitants according to the Value of their Respective Estates in an Equal proportion in every of your Respective City Counties & precincts for which you are Chose Vestrey Men and According to your best Skill and knowledge therein you Shall Spare Noe Person for favour or affection or grieve any Person for hatred or Ill will so help you God.

Which Oath any one Justice for the City of New York and any one Justice for the Precinct of Queens County and any one Justice for the County of Richmond and Westchester County are hereby Impowered and Directed to Administer the Same unto the Said Vestrey Men so Yearly and every Year Chose any thing therein Contained to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 413.]

[Chapter 413, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 208.]

An Act to Continue the Common Road or the Kings highway from the Ferry towards the Town of Breuckland on the Island of Nassaw in the Province of New York.

[Passed, July 27, 1721.]

WHEREAS Several of the Inhabitants on the Ferry on the Island of Nassaw, by their Petition Preferred to the General Assembly Setting forth, They have been Molested by Several Prosecutions occasion'd by the Contrivance and Instigations of Ill and Disaffected Persons to the Neighbourhood, who would Ineroach upon the Building and Fences that have been made many Years ago, alledging the Road was not wide enough, to the great Damage of Several of the Old Inhabitants on the Said Ferry; the Said Road, as it Now is, has been So for at least this Sixty Years Last past, without any Complaint, either of the Inhabitants or Travelers.

Be it therefore Enacted by his Excellency, the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the Road or Kings High-way from the Ferry upwards to the Town of Breuckland, on the Island of Nassaw, in the Province of New York, as far as to the Swinging Gate of John Rapalye, Just above the House and land belonging to James Harding, Shall be and remain the Common Road or KINGS High-way from the Said Ferry to the Swinging Gate, as aforesaid, for ever, after the Same Manner and Regulations as it has been here-to-fore, and now is, any Law, Usage or Custome to the Contrary hereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, That all Suits or prosecutions that have been Occasioned by Differences arising about the said Roads, Shall Cease and be abated from henceforth and for-ever, whether Commenced by the Viewers or Surveyors

of the Fences, or any Other Person or Persons whatsoever. Always Provided; and it is hereby further Enacted by the Authority aforesaid, That if the Majority of the Inhabitants of Breuckland Shall Adjudge Part of the Road, Near to the Ferry, to be so Narrow and Inconvenient, it Shall and may be Lawful for them to Cause any Jury of Twelve Men, out of the Several Towns of Kings County, to be Summoned by the Sheiref, by Warrant of two Justices of the Peace of the Said County, to Appraise, upon Oath, the Vallue of so much ground as shall be Thought Convenient to be added to the Said Kings Road or high-way, which Appraizement shall be levied upon the Inhabitants of Breuckland, by Assessment made by their Assessors, and to be Collected by the Collector of the Township of Breuckland, for the time being, and to be paid by the Said Collector to the Owner or owners of the Said Land So appropriated for the Kings Road or highway, to Satisfy and Pay them for the Same.

[CHAPTER 414.]

[Chapter 414, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 208. Explained by chapter 489. Expired at the end of the first session after July 27, 1728. Further provided for by chapter 887.]

An Act for Regulating Fences for the
Several Cities and Counties within this Province of New-York.

[Passed, July 27, 1721.]

WHEREAS the respective Cities and Counties within this Colony of New York are so Circumstanced as to have Different and Distinct ways in the Improvement, Tillage and Pasturage of their Lands, Gardens, Orchards and Meadows, and that it is altogether necessary that the Said respective Counties, Cities, Townes, Districts and Mannors may be made Capable in the Law to make Prudential Rules, Orders and Directions for the making, amending and Maintaining their Customary Circular and Partition Fences.

Be it therefore Enacted by his Excellency, the Governour, Council and General Assembly, and by the Authority of the Same, That the Free-holders and Tenants in Possession of every Town, Manor and Precinct within each City and County within this Colony, are hereby Impowered, Annually, after the Publication of this Act, to meet and Assemble themselves together at Such times and Places as Shall be appointed and Directed, under the hands and Seals of any two of his Majesty's Justices of the Peace, in which

Meetings the Said Free-holders AND Tenants in Possession are by this Act Impowered, by the Majority of Votes, to make and Establish Such Prudential Orders, Rules and Directions for the making, Maintaining and Amending of their Accustomary Partition and Circular Fences, for their Lands, Gardens, Orchards and Meadows, as they Shall Judge most proper and Convenient; which Orders, Rules and Directions, so made as aforesaid, being entered upon the Publick Register of Such City, Town, Mannor, Precincts or County, Shall remain and be of full Force, until the Several and respective Free-holders and Tenants in Possession Shall think fit, by the Like Majority of Votes, to alter all or any part of the aforesaid Orders, Rules and Directions, so made as aforesaid, which Alteration and alterations, from time to time, being like wise entered upon the Registers, as aforesaid, Shall Continue and remain in full Force until the Same be new made and Altered, as aforesaid.

AND Whereas the Freeholders and Tenants in Possession in Some of the Cities and Counties of this Colony, are accustomed to make Circular Fences for the Surrounding their Lands and Meadows they Manure, either in Tillage or Pasturage, by which Means great Quantities of Lands and Meadows are Surrounded by the Said Circular Fence, and those who HAVE Lands, Meadows, fields or pastures within the Said Circular Fence, have there, Such their Lands and Meadows, aforesaid, Secured by the Said Fence, without Contributing their Proportion towards paying the Charge of the Said Fence. To the end the Same may be Remedied for the Future;

BE it further Enacted by the Same Authority, That if any Lands or Meadows Shall lye within any Circular Fence (except where any Town within this Colony have already agreed to the Contrary), the owner or Possessor thereof, Shall, in Proportion to the Quantity of Land and Meadow they have within the Said Fence, pay and Contribute to the making and Maintaining the Said Fence.

And if any Person or Persons Shall deny, Neglect or refuse to pay, make and Maintain, or Contribute his or their Proportion to the making of the Said Circular Fence, as aforesaid, then it Shall and may be Lawful for any two Justices of the Peace of Said County, residing near where Such Default Shall hapen, upon View of the Said Defect, to Assess the Proportion of the Said Fence, due and payable, as aforesaid, and levy the Same by Warrant under their hands & Seals, Directed to the Constable of the Towns,

Manners or Precincts where Such Default Shall happen, upon the Goods and Chattles of him or them who Shall so have Land and Meadows within the SAID Circular Fence, and hath not Contributed or pay'd towards making the Same, to be applied to the making of the Said Circular Fence, returning the over-plus, if any be, the Charge of Distress and Sale being first Deducted.

AND be it further Enacted by the Authority aforesaid, That where any Person or Persons already have, or hereafter shall, Set his or their Fence in the Partition Line of Lands and Meadows, between him or them, his or their Neighbour or Neighbours, they Shall make and Maintain the Division Fence Equally between them. AND if either of them refuse or Neglect so to do, then Such Person or Persons, so Neglecting or Refusing to make & Maintain the Division Fence, Shall pay all Damage that Shall Accrue to his Neighbour by Such neglect, to be approved by the Viewers of the Fences, who Shall be first duely sworn, That they will Truly, and without any favour or Partiality, appraise the true and Real Value of Such Damage, according to the best of their knowledge, Skill & Judgment, the Damages he Received, by a warrant from any two Justices of the peace of the said County, directed to the Constable of that Town or Precinct where the Damage Shall happen, any Law, Usage or Custom to the Contrary notwithstanding. And the Said Charge so Valued as aforesaid, Shall be Levyed on the Goods and Chattles of the Party or Partys so refusing, as aforesaid, if above Forty Shillings with the Cost of Suit, by Execution DIRECTED to the Sheriff, if under Forty Shillings, by warrant under the hand and Seal of one of his Majesties Justices of the Peace, Directed to the Constable, Returning the over-plus, if any there be.

AND be it further Enacted by the Authority aforesaid, That the Several and respective Free-holders and Tenants in Possession within Each Town, Manner & precinct, are at the time of their Annuall Meetings, Yearely and every Year, appointed by this Act, hereby Impowered to make Choice of Two Sufficient, able and Discreet Persons to be Viewers, Over-seerers and Judges for the Ensuing year, of all and every the respective Fences within each Town, Mannor and Precinct for which they are Chosen and Elected to be Viewers Or Overseerers. And all or any of the Overseerers and Viewers of Fences, so Chosen as aforesaid, that Shall Deny or refuse to Perform the Dutys and Services by him or them to be done and performed, pursuant to the true Intent and Meaning of

this Act, all and every Such Person or Persons, so deniing and refusing, Shall Forfeit and Pay the Sum of Five pounds Current Money of this Colony, to be recover'd in the Court of Common please in the City or County where Such Refusal or Denial Shall hapen to be made, which Said Forfeiture Shall be Applyed to the Defraying the Publick Charge of the Said Citys, Towns, Mannors and precincts & Counties respectively.

AND be it further Enacted by the Authority aforesaid That it Shall and may be Lawful for the Mayors, Aldermen & Commonaltys of the Cityes and Countyes of New York and Albany and Borrough of Westchester, for the time being, in Common Council, Conven'd, to make Such further orders, Rules and Directions for ye Making, Amending and Maintaining the Partition Fences between the Free-holders and Tenants in Possession of the Several and respective Lots, Gardens, fields and Orchards within their Several and respective Jurisdictions, as they Shall Judge most proper and Convenient, and to Impose Such Fines on the Person or Persons denying, Neglecting or refusing to Obey Such Orders, Rules and Directions so to be made by them, respectively, as aforesaid, as they Shall think Convenient.

AND be it Further Enacted by the Authority aforesaid, That every Town, Manner or Precinct Shall have and make a Sufficient Pound or Pounds, at Such Convenient Place in Each respective City, Town, Mannor or Precinct, as Shall be Ordered and Directed by two next Justices of the Peace of that County, in order to Secure Unruly Cattle or Creatures, till Such time Satisfaction be made, or Secured to be made, to the Person or Persons agrieved with; which Pound is to be made at the Charge of each respective Town, Manner or Precinct; and if any Person Deny, Refuse or NEGLECT to pay their Propotion of the Charge if Such Pound, as will be assessed by the Chosen Assessors for that Year, any one Justice of Peace of that County Shall Issue his Warrant to the Constable to Distrain upon Such Persons Goods and Chattles, to Satisfy the Same, Returning the over-plus, if any be, to the Owner.

AND be it further Enacted by the Authority aforesaid, That all Acts of General Assembly formerly made within this Colony touching or Concerning the mending, making or repairing of Fences, be and are hereby Repealed, and every Clause and Article therein Contained, to all Intents, Constructions and purposes whatsoever, and this present Act only to remain in force during the time of Seven Years, and from thence to the end of the next Sitting of the Generall Assembly of this Colony, and no longer.

[CHAPTER 415.]

[Chapter 415, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 201. The county of Suffolk is exempted by this act by chapter 422. Continued by chapter 440.]

An Act for better Clearing and further laying out highways

[Passed, July 27, 1721.]

FOR the better attaining the end designed by An Act entituled an Act for the laying out regulating, Clearing and preserving publick Common highways thro'out this Colony made in the Second Year of the reign of her Late Majesty, Be it Enacted by the Governour Council and General Assembly and by the Authority of the Same. That the Persons herein after Named Shall be and are hereby appointed Commissioners and Impowered Authorized and required to put the Services intended by the Said Act in Execution through the respective Counties and Precincts, for which they Shall be Named (that is to Say).

For Queens County the Persons hereafter Mentioned, For the Township of Jamaica Jonathan Whitehead Esq'r. Richard Betts Esq'r and Cap't Gabriel Luff. For the Township of New Town, Joseph Sacket Esq'r. Mr. Robert Feeld, and Mr. James Harrard, And for the Township of Flushing, Cap't. Thomas Willet, Mr. Charles Doughty and Mr. John Tallman. And for the Township of Hampstead, Cap't. John Tredwell, Mr. William Williss and Mr. John Jackson Junior. And for the Township of Oyster Bay, Cap't James Dickenson, Mr. Joseph Carpenter and Mr. Samuel Mackoon, or any two of them.

FOR Kings County twelve (viz.) that is to Say. For the Township of Broockland, Cap't. John Repelie and Mr. Hans Burgin. For the Township of Bushwick Mr. Johanus Schenck and Mr. Nicholas Volkersen. For the Township of Flattbush, Mr. Jacob Hendricksen & Cap't Dominicus Vander Veer. For the Township of Flatland Cap't Peter Nevins and Mr. John Lucassen. For the Township of Gravesend Mr. Samuel Hubberd and Mr. Nicholas Williamsen For the Township of New Uytrecht, Cap't Aart Van Pelt, and Mr. Andrew Emans.

For the County of West Chester Adolph Phillips Esq'r Major Joseph Budd, Coll. Lewis Morris Junior, Cap't. Joseph Drake Mr. John Stevenson, Mr. Hait or any three of them. For the County of Ulster, Egbert Schoonmaker, Arie Gerritsen, and Joseph Haas-

broeck Esq'r, Cap't Wessel Ten Broeck, Mr. Thomas Teysen, Mr. Moses De Pues or any three of them For Dutches County Cap't Barent Van Cleek, Mr William Traphagen, Major Johanes Terbois, or any two of them.

For the City and County of Albany (Viz.) For the Mannor of Livingston Jacob Vosburgh Esq'r Mr. Johannes Spoor, and Mr Claes Brusie For Claverak, Peter Meese Hoogeboim Esq'r and Mr Robert Tewise Van Dense. For Kinderhook Peter Martense, Esq'r Cap't Abraham Vanaelesteyn, and Mr. Conraet Burgert. For the East Side of the Mannor of Renslaerwick, Mr Volkert Van Veghten and Mr. Dirk Vander Heyden, For Skachkook on boath Sides of Hudsens River to the North bounds of the Mannor of Renslaerwick, Mr Louys Viele and Mr Johannes Dwanedlaer. For Sarachtoge from thence to the half Moon, Col Johannes Schuyler, Major Abraham Schuyler and Robert Livingston Junior Esqr. For the half Moon and the west part of the Mannor of Renslaerwick, to the bounds of the City of Albany, Cap't Jacobus Van Sckonhove & Mr Anthony Van Schaik Junior From the Sawyers Creek the Southermost Bounds of the County of Albany on the West Side of Hudsons River, and for Catskill Coxhackey and the West part of the Mannor of Renslaerwick to the Bounds of the City of Albany, Mr Francis Salisbury Mr Samuel Van Veighthen Mr Peter Bronk, Mr Peter Coeymans and Mr William Van Alle, For the Road which Leads from the City of Albany to Skenecktady and from thence up the River as far as the Patent of Skenectady Extends, the Overseers of Said Roads to be Chosen Yearly as has been usually and Customary formerly. From the bounds of the Village of Schenecktady to the Maquase Country on both Sides of the River, and as far as Christians are Setled or hereafter may be Setled, Hendrik Hanse Esq'r Carel Hanse Esq'r and Cap't Harme van Slyk, which Said three Commissioners Shall have full Power and Authority to apportion lay out and fix how far each Precinct or Neighbourhood, Shall repair and mend the Said Highways where they are to begin and where to leave of, from Canastagiaene to the City of Albany Mr Gerret Rejkse and Mr Claes van Franke. For the County of Orange Six, that is to Say for Tapan, Rynier Keyseryck and Roelof Van Houten for Haverstraw James Osbourn, Cornelius Cuyper Junior, John Alsopp, and John Everitt, for Goshen in Wawayanda.

And be it Enacted by the Authority aforesaid. That the Said Commissioners or the Major part of them respectively, for the respec-

tive Citys, Counties, Towns, Mannors, and Precincts, for which they are Nominated Commissioners are hereby Impowered and Authorized, to lay out new highways where they Shall be found Necessary, and to take a Review of the Roads already laid out, and if they find any Inconvenience in the Said Roads, they, or any two of them have power According to Law to alter the Same, and lay out, the highways or Publick Roads, as they Shall think most Convenient for Travelers and the Several Towns, Villages, or Neighbourhoods next adjacent.

Provided, always that Nothing in this Act Contained Shall extend or be construed to Impower the Commissioners aforesaid to alter any Road that is already Comodious, so as to lay it out through any Improv'd or Inclosed Lands, without the Consent of the Owners thereof, and paying to the Said Owners the true and full Value of the Land so laid into an highway, and if any Dispute Shall arise by that Means, the Same Shall be Determined and the true Value Set and appraised by any two Justices of the peace, and by the Oaths of Twelve of the Principal Freeholders of the Neighbourhood not having any Interest IN the Land about which Such Dispute may arise the Said Freeholders to be Summoned by the high Sherif, by Virtue of a Warrant to be Issued by the Justices for that purpose.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons within this Colony Shall hereafter, without the Consent of the Commissioners appointed by this Act, alter, Stop up, turn a Side or lesen any highway or Road that has heretofore been laid out or Shall hereafter be laid out, by the Said Commissioners, appointed by this Act of General Assembly, to lay out the Same, Every Such Person so offending Contrary to the Meaning of this Act for every Such offence, Shall forfeit the Sum of five Pounds, to be applyed by the Surveyors of each respective Town towards repairing the Highways, and to be recovered before any Justice of the peace, by the Oath of any one Credible Witness and levied by Warrant from the Surveyors of each respective Town, or the Major part of them Directed to the Constable of the Town to levy the Said Distress and within Six Days (after publick Notice given) Shall make Sale of the Same, and pay the penalty and Charges, and return the Over Plus if any be, to the Owner or Owners AND be it further Enacted by the Authority aforesaid, That if any Common publick Road or Highway Shall lead through any Meadow Grounds or Cornfields the breadth of the Said Roads, Shall not exceed Twenty foot. AND be it further Enacted by the Same Authority, that the

Inhabitants of the Towns, Mannors and Precincts, by and through whose Lands any COMMON publick Roads or highways have or Shall run, or be hereafter ascertained or laid out, are hereby Obliged to clear and Maintain the Same, by Cutting and Stubbing the brush up, pulling up the Stones that can be carried off the breadth of a rod, and the Limbs of Trees hanging over the Said Roads, to be lopt and Carried off, and so often as they or any of them Shall have Notice from the respective Commissioners, Surveyors or Overseers of the highways for the time being, Shall by themselves or Servants, Clear, level and Amend the highways not exceeding Six Days in the Year, under the penalty of three Shillings for each Day, every Person Shall Neglect or refuse Such Service, to be levied by the Constable in each Town or Precinct, by Distress and Sale of the Offenders Goods and Chattles, by Warrant from the Commissioners Surveyors or Overseers of the highways, for the time being, in every County, Town, Mannor, or Precinct, or the Major part of them respectively returning the over plus of Such Sale, to the Owner or Owners, the Constable to be first paid for his pains and Trouble out of the Disstres as is Common in other Cases. PROVIDED always and be it further Enacted by the Said Authority, That all Trees that Stand in any Persons Land, through which any Common Publick Road or highway is or Shall be laid out, be for the proper use of the Owner or Owners of the Same but the Said Owner Shall not hinder the Publick of making use of so much Timber, which is Standing or lying on that Road as will Amend & repair the Said Highways runing through that Land.

AND be it further Enacted by the Said Authority, That if the Commissioners for the County of Orange and Dutches County, See Cause to have any Roads laid out for a Waggon Road, the Inhabitants of Said Counties Shall be hereby Obliged to Clear the Same.

AND be it also Enacted by the Same Authority, that where any highway from any Town or Plantation to any Meadows, Mills, Watering or Common Landing Places, Shall run through any particular Persons Grounds, it Shall and may be Lawfull for any Such Person or Persons by the approbation of the Commissioners of Such Town, Mannor or Precinct, to place and hang good Swinging Gates on Such highways, and keep them in repair at their own proper Costs, provided no Roads leading into or out of any Woods, Plains, or Commons where the Cattle belonging to any Town or Village, usually pass to and from the Commons of Feeding Ground, be Clog'd or hindered by any Swinging Gates as aforesaid, but by the Consent of the Inhabitants of the Said Town or Village, And

the Several Gates already Standing & allowed may or Shall be approved & Continued or altered as the Commissioners herein appointed Shall Judge most Convenient & the Same highways Shall be amended and Maintained by the Inhabitants of every Town Mannor or Precinct where Such ways may run.

AND be it further Enacted by the Authority aforesaid, that if the Overseers of the Roads and highways Shall think fit and have Occassion of any Team Cart or Waggon and a Man to Manage the SAME the Said Team Cart or Waggon Shall be Esteemed to be for In lieu and Stead of three Days Work of a Single Man, and the fine to be propotionable, that is, Trebble to the fine to be Imposed for the Neglect of a Single Person and every Working Man Shall be Obliged to bring Such Materials of Spades, Axes, Crows, Pick Axes, and other Utensils as Shall be Directed by the Overseers of the Highways.

AND be it Enacted by the Said Authority, That in Case any Person or Persons Shall take or Shore open any Such Gate or Gates, as aforesaid, or otherwise ride over and through any Lands Meadows, Grounds or Corn feilds, to the Damage of the Owners thereof, Every Such Person so taking or Shoring Open as aforesaid, Shall for every Such Offence forfeit Six Shillings to be applyed by the Surveyors of each respective Town, towards repairing the Publick highways or Roads and pay all Damages with the Costs, the owner of the Soil, or Tenant in possession of the Same Shall Suffer, to be adjudged by any two Justices of the peace, of the Town County or Precinct, wherein Such Offence Shall be Committed, who Shall Determine the Same, and whose Determination Shall be final Judgment. AND be it also Enacted by the Same Authority, That if any of the Commissioners appointed as aforesaid, Shall Neglect, refuse or Delay, to put the Several Clauses expressed in this Act, in Execution as aforesaid, if required, it Shall and may be Lawfull for the Justices of the Peace or any two of them in Such County or Counties, Town, or Towns, where in Such REFUSAL or Neglect Shall so hapen, as aforesaid, to appoint another Commissioner or Commissioners in the room of those who have refused or Neglected the Services as aforesaid, which Said Commissioner So Named by the Justices aforesaid, by Virtue of this Act, Shall be under the Same restrictions and Limitations and Subject to the Same Penalties as if Particularly in this Act Expressed.

AND be it further Enacted by the Authority aforesaid, that the Commissioners appointed or to be appointed by Virtue of this Act, Shall have, take and receive Six Shillings per Day as a Reward

for their Care and pains in laying out and Regulating the Highways throughout this Colony, in the Same way and Manner as is appointed and provided in an Act, entituled, An Act for laying out Regulating Clearing and preserving Publick Common Highways thro'out this Colony, made in the Second Year of her late Majestys reign.

AND be it further Enacted by the Authority aforesaid, That for the County of Richmond the Surveyors of the Highways, which Shall be annually Chosen in each Division by the Inhabitants of Said County, Shall have the Same power and Authority, for laying-out and regulating the Highways within the Several Divisions in the Said County of Richmond and Shall be liable to the Same Pains, Penalties and forfeitures as any other the Commissioner appointed by this Act.

AND whereas by one Act of the General Assembly of this Province PASSED in the Sixth Year of his Present Majestys Reign, Entituled an Act for Building a Bridge over the Creek or Kill Caled Kenderhooke Creeke, or Kill in the County of Albany, and for altering the Highway in that part of the Said County, the Justices of the Peace Inhabitants of Kinderhook Clavarack and the Mannor of Livingston, or the greater Number of them were thereby Authorized and Impowered, to meet at Such Convenient time and place as to them Should Seem most fitt, to Consult and agree what Sum of money, not exceeding Eighty Ounces of Plate, they Should think to be Necessary for the erecting and Building of a good Strong and Sufficient Bridge over the Said Kill or Creek in Kinderhook in Such Place of the Said Creek as the Justices aforesaid or the greater Number of them Should Judge to be Most convenient for that purpose, and whereas Several of the Said Justices were then Indisposed and rendred Incapable to meet and Consult about that affair of the Bridge aforesaid, and that the rest could not agree about the Place for the Erecting and Building the Said Bridge, whereby the Said Act is rendered Ineffectuall.

It is therefore hereby Enacted by the Authority aforesaid that three Substantial Freeholders Inhabiting on the West Side of Hudsons River in the Said County, to Witt, Francis Salisbury, Samuel Van Vegten of Catskill, and Peter Bronk of Coxhackey, or the Major part of them, then Alive be and are hereby appointed and Nominated to view THE Said Kill or River and Determine the fittest place on the Said Creek or Kill of Kinderhook, to Erect and Build the Said Bridge that it may Stand and remain firm against the Ice and floods that may Come down Said Creek and be

Convenient for Travelers to pass in time of high water, which place so pitched upon by the Said three Freeholders, Shall be the place where the Said Bridge Shall be erected, and the Sum and Sums of money agreed upon as aforesaid, Shall be Assessed and paid in Such Manner as is Directed in the before mentioned Act of Assembly, passed in the Sixth Year of his Majestys Reign, always Provided, That after the place is pitched upon where the Bridge is to be built a Model or draft be made by Some Skillful and Sufficient Artist, Setting forth in what manner the Said Bridge is to be made, and then the Justices aforesaid, or the Major part of them, Shall affix in the Several most Publick Places in Kinderhook Clavarack and Mannor of Livingston, within three Months after the Publication hereof, advertisements to Notifie the time and Place where they will by publick vendue, Lett the Building of Said Bridge to him or them who Shall for the Smalest Value agree to Build the Same, truly and Substantially according to the aforesaid Modell or draft, then to be produced, which Person or Persons so agreeing Shall by proper Instruments in writing become bound that the Said Bridge Shall Stand firm for the Space of two Years, and if ye SAID Bridge Shall happen to be Carryed away, or so much Damaged by Ice or floods, that it Should be rendred useless or unsafe for Travellers to passe during any of the Said time of two Years, then the Builders aforesaid, their Heirs or Executors to build and repair the Same, at their own proper Cost and Charge, and in Case the Person or Persons so agreeing for the Smalest Vallue will not undertake the whole but decline the finding and providing of Materials, for Building the Said Bridge, that then and in Such Case the Said Justices of Kinderhook, Claverack and Mannor of Livingston or the greater Number of them, are hereby impowered to Contract and agree with any Person or Persons to provide and bring to the proper place Materialls for the Building of the Same, and to appoint a Person or Persons to inspect oversee, direct, and from time to time as they Shall See Occasion, to order the payment to be made for Materials for and Building the Same, and the Treasurer appointed by the Said Act is directed and required out of the money Coming to his hands by Virtue of Said Act, to pay Such Sum or Sums of Money as Shall be Ordered and directed to be paid, by Order under the hands of the Director or Directors appointed by the Justices aforesaid.

AND be it Enacted by the Authority aforesaid, That from henceforth, the Kings Highway or Road Shall go over the Bridge built over the Clavarak Kill by Peter Meese Hoogeboims, and from

thence THE Most Direct and best way by the House of Cornelius Martinse where his Son William now liveth, in Such Manner as is Mentioned in Said Act, and so Straight through the woods, along by the house of Dirk Meese, and so along to the Bridge aforesaid, hereby directed to be built, and from the Said Bridge to the Kings Old Road, which goes from Kinderhook to the green Bush over against Albany.

AND be it further Enacted by the Authority aforesaid, That every Clause and Article made in the said Act of Assembly, passed in the Sixth Year of his present Majestys Reign, Relating to the Rut or Track which Waggon, Carts, or other Carriages Shall make, be and is hereby Confirm'd and Enacted, as fully as if every word in the Said Clause had been recited in this Act, and whereas the Neighbouring County of Ulster having Desired by their Representatives that the Rut and Track of their Waggon be the Same as in the County of Albany.

Be it therefore Enacted by the Authority aforesaid, that for and during the Space of Twelve Months after the Publication of this Act, all Waggon, Carts or other Carriages, which Shall be used in any of the Kings Highways in the County of Ulster Shall be so made, that the Space between the Rut or Track which they Shall make, Shall be from out Side of the Wheel to the out Side of the other Wheel, four foot and Ten Inches English Measure, and no more nor Less, upon the Penalty of Ten Shillings Current money of this Colony, to be paid by the owner or Driver of the Waggon CART or Carriage that Shall have Wheels making ruts or Tracks of a greater or lesser bredth to be levied by Warrant of distress from any one Justice of the Peace on proof made by the Evidence of one or more Sufficient Witness or Witnesses or upon his the Said Justices own View, which Sum So forfeited Shall be applyed to the use of any Person who Shall Sue for the Same, and moreover every Wheelwright either in the County of Albany or Ulster, who Shall after Publication hereof make any Waggon Cart or Carriage, that is to be used upon the Kings Highway of any other Dimention or that the Rutt, or Track thereof be otherwise then by this Act is Prescribed, Shall forfeit the Sum of Twenty Shillings for every Such Waggon, Cart or other Carriage he Shall so make for any Person or Persons that Shall Sue for the Same, which Case Shall be determined by the oath of any one Credible Witness before any one of his Majesties Justices of the Peace, where the Fact Shall happen to be.

AND be it further Enacted by the Authority aforesaid, that the three Commissioners appointed by this Act for the laying out and regulating the Common Highways in the Mannor of Livingston, in the County of Albany, be not only Impowered to lay out the Generall Kings high Road which is appointed to be & run from New York to Green Bush over against the City of Albany through the Said Mannor, begining at the South End thereof, till it Comes to the North end, adjoining TO the Southermost bounds of the Mannor of Renselerwick neer Nikus Janse Witbeeks, but are also Authorized and Impowered by Virtue of this Act, to lay out and Regulate all the other Kings Roads that are now Used in the Said Mannor, to witt, the Kings Road that leads from Rooleff Johnsons kill as far as Inhabitants are Settled above the falls near Cap't. Dykmans to the General Landing Place on Hudsons River, at or near the grist or Corn Mills at the Mouth or out Lett of Rooleff Johnsons kill, and the Kings Road which Leads from thence to the Southermost Bounds of the Mannor of Renselerwick towards Claverack, where the People of Claverack are to meet, and the Inhabitants of the Mannor of Livingston, and repair the Said Road to Claverack, and also the Kings Road that Leads from the South Limits of the Mannor of Livingston, which Comes from the Meadow of Harme Kunnebackers through the four Palatine Villages to the Said Mills, and the Kings Road which Comes from Taghkanik to the Said General Landing Place at the Mouth of Rooleff Johnson Kill.

And be it further Enacted by the Authority aforesaid, That the Said three Commissioners have full power and Authority to apportion direct and appoint how far each Respective Precinct or Neighbourhood in the Said Mannor Shall Work on the Said Generall, or other Kings Roads in the Said Mannor where to begin and where to leave of IN regard that the Roads are long and by reason of the barrennesse of the Soile the Inhabitants but few to keep them in repair living Remote from one another, and after the Said Commissioners Shall have so apportioned and Divided how far each Distinct Precinct or Neighbourhood Shall work at the high Roads aforesaid, Such appointment Shall so remain for the Space of Seven Years without alterations except at a yearly general Meeting of all or the Major part of the Inhabitants and Tenants of the Said Mannor, it Shall be Judged Necessary, to alter the Same.

AND it is hereby also Provided, that if the Inhabitants of Oyataek who live to the Eastward of Said Mannor shall Use the Road that goes from Taghkarik to the General Landing Place of

Said Mannor, that they be Obliged to help to Maintain and keep the Said Road in repair as the Inhabitants of Taghkanik and Gochkomekok are Obliged to do.

And it is further Enacted that the General Kings Highway through the Mannor of Livingston and Dutches County be four Rod and the other Kings Roads in the Said Mannor twenty foot broad, any Law usage or Custom to the Contrary notwithstanding and that the Surveyors of the Highways do warn all the Inhabitants of Said Mannor to mend and repair the Said Highways twice a year at least that is to Say, in the Month of May and in the Month of October Yearly.

And be it further Enacted by the Same Authority, That if the Commissioners OF any Town in Queens County or Kings County, appointed by this Act, Shall after the Publication hereof on the request of any Number of Inhabitants of any Town in Said County which Number do not exceed Ten, See Cause for their Conveniences, to lay out any Road or highway through any Particular Person or persons Land Meadow or Pasture Such Persons so Craving the Same, Shall be Obliged to Satisfy and pay the Owner and Proprietor of Such Lands the true Value thereof, According as it Shall be adjudged by the Oaths of Twelve Indifferent Men of the Neighbourhood, who are not Interested in the Said Roads, but if more than Ten of a Town require that a Road or Highway Shall be laid out through any Private Mans Land, Meadow or Pasture then, and in Such Case the whole Town where Such Persons Inhabit and are Freholders are to pay and Satisfy the Owner or Owners, through whose Land Such Road or Highway is laid out, which Land so taken in, Shall be appraised by the Oaths of Twelve Freeholders of that next adjacent Town, to be Summd by a Warrant directed by two Justices of Peace of that County to the Sheriffe to Summons them, and upon their View & appraisement upon their Oaths as aforesaid, Such Sum of Money Shall be Levied upon Such Town, whereof the Inhabitants desired Such a Road or highway to be Assessed by the Said Towns Assessors, and Collected by their Collector or Collectors who Shall pay the Person or Persons, the Money their Land was so appraised at, by the Said twelve Indifferent Men and then the Said Road Shall remain to the use of Said Town or Persons who have paid for the Same & not otherwise.

AND it is further Enacted by the Authority aforesaid, That the Commissioners appointed by this Act for the Respective Counties, Towns and Mannors, Shall have power only for the Regulating and laying out the Roads and Highways in Such County Town or Mannor

for which they are Nominated and appointed and no where else. AND whereas the Surveyors of the Highways who are chosen Yearly in this Province to See the Same kept in repair, are often Careless and Neglegent in performing their Duty, by which Means the Highways are not passable for Travelers.

BE IT therefore Enacted by the Authority aforesaid, That upon the Ordering of any one or more Justices of the Peace that the Said Surveyors in Eight Days, do warn the respective Inhabitants to mend and repair the Kings highways, which by Law and Custom they are Obligated to Mend and repair, and if the Said Surveyors Shall Neglect or Refuse to warn the Inhabitants as aforesaid and to See the Said Highway Mended and repaired for every Such Neglect, the Surveyors Shall pay as a fine forty Shillings, to be adjudged by any one Justice of the Peace, upon the Oath of one Witness or his own View which fine Shall be applyed towards the Repairing of the Said highways as aforesaid.

AND be it further Enacted by the Authority aforesaid, That the respective Commissioners appointed by the Several Towns in the Island of Nassau be paid and Satisfyd for their Trouble by each Respective Town, for which THEY are appointed Commissioners and not Otherwise, and also that the Commissioners appointed for the Mannor of Livingston, be paid and Satisfyed by the Said Mannor, and that the Inhabitants thereof, be Exempted and free from Contributing, towards the paying of any other Commissioners appointed in the County of Albany & if any Person or Persons in the County of Ulster, Shall desire any Private ways to be laid out by the Commissioners appointed for the Said County, then Such Person or Persons that shall desire the Same, are to pay the Said Commissioners for their Pains and Trouble therein, and are to Maintain and keep in Repair the Said Private ways at their own proper Cost and Charge.

This Act to Continue in force for Two Years from the Publication hereof and no longer

[CHAPTER 416.]

[Chapter 416, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to enable Susanna Parmyter to
Sell and Dispose of one House and Lot of
Ground in the City of New York.

[Passed, July 27, 1721.]

WHEREAS Susanna Parmyter the Widdow Relict and Executrix of John Parmyter late of the City of New York Deceased hath

by her Petition to the Generall Assembly Set forth, that her late Husband John Parmyter in & by his last Will and Testament bearing date the first Day of October one Thousand Seven hundred and Eighteen as by the Same may more fully & at large appear, and at the Same time being Considerably Indebted to Several Persons in this Province, more then the Personall Estate Could Answer pay or Discharge, Did thereby give and bequeath all his real Estate to his Children, and Therefore humbly prayd leave to bring in a Bill to be passed into a Law to enable her to Sell and Dispose of a Certain Corner House and Lot of Ground Scituate and being in Bever street in the Said City for paying her Said Husbands Debts.

Be it therefore Enacted by his Excellency the Governour Council and Generall Assembly and by the Authority of the Same. That the Said Susanna Parmyter is hereby Enabled & Invested with full power and Authority to all Intents & purposes whatsoever, to Sell Convey Alien & Dispose of a Certain Corner House and Lot of Ground thereunto BELONGING, Scituated lying and being in Bever-street above said within the City of New York, fronting South to Beverstreet, West to New Street, North to the Garden of Said Parmyter, and East to the House and Ground also of Said John Parmyter, built in his life time, now in the possession of David Jamison Esq'r, being in length on the West Side, Sixty foot, on the East Side, the like, on the South End in breadth, twenty five foot, and on the North End in breadth Twenty foot, and two Inches, together with all and Singular the half of the Stone wall Between the two Houses, on the East Side, and half of the water well, and half of the Cestern, and all the appurtenances to the Said House and Ground now or at any time belonging or in any wise Appertaining.

AND that Such Deed or Deeds Assurance and Assurances of the Said House and Lot of Ground with the appurtenances by her the Said Sussana Parmyter Executed in due form of Law Shall be good and Effectual in the Law to all Intents Constructions and purposes to Such uses as in and by the Said Deed or Deeds Shall be Expressed any Law Usage or Custom to the Contrary notwithstanding.

Provided always that the Partition wall between both houses Shall never be puled or Broke down or any part thereof, by any of the Owner or owners of either of the houses but what Shall be with the Consent of the parties Concerned.

AND be it further Enacted by the Same Authority that the Money Accrewing or arising by the Sale of Said House and ground

according to the true Intent and meaning of this Act Shall be Disposed of for the paying and Discharging of the Said John Parmyter his Just Debts by him in his life time Contracted and no other ways, which Said Sale Shall be Performed Done and executed by the Said Susanna Parmyter within the time of two Years after the Publication of this Act, and no Longer, any Law usage or Custom to the Contrary hereof in any wise notwithstanding.

[CHAPTER 417.]

[Chapter 417, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Livingston & Smith and Van Schaack state that this act was confirmed April 30, 1724.]

An Act to Empower Gilbert Livingston to
Sell & Dispose of Certain Lots of Land Scituate
Lying and being in the City of New York.

[Passed, July 27, 1721.]

WHEREAS it Doth appear by the Petition of Gilbert Livingston and Cornelia his wife presented to the Generall Assembly of this province, That the Said Livingston has Contracted a very great Debt to the publique, and is at present Destitute of all means to pay the Same, and further that the Said Livingston by means of a Certain Contract in Said petition mentioned for farming the Excise of this Colony, hath met with great Losses, and wasted Both his time & Estate by a Constant applycation to that affair of the Excise and hath by Reason thereof been put out of the Road of all other Business And Where as the Said Gilbert Livingston and Cornelia his wife are both Equally Desirous, in order to Discharge the Said Debt So as above Said Contracted, And also to put the Said Livingston in a way of trade and business for the future, that the Said Livingston Should be Enabled, and Empowered to Sell and Dispose of Eleven Lots of Land Lying in this City of New York, which Lots were given to the petitioners by the Last Will and Testament of Coll Henry Beekman late of Ulster County Deceased as also to make a good and Sufficient Title in Law to Such persons as have aforetime purchased four other Lots in this City, which four Lots were Lykewise to the petitioners by the Same Last will and Testament of the Same Coll. Henry Beekman given and Bequeathed, and where as it is in said petition Set forth, That the Said petitioners have been by Councill Learned in the Law advised, and assured that they have an undoubted Right to Sell and Dispose of the Said Estate, Yet nevertheless Doubts have arisen, and been made

an Ill use of to the Slander of the title and Great Damage of the Estate of the petitioners who therefore are laid under a Necessity of applying to the Legislature for an act of Assembly in order to Remove all unreasonable Doubts & Scruples Concerning the petitioners Right and Title to Said Lots and which will also Ease and Quiet the minds of the Said purchasers of the four Lots before this time Sold and Disposed of, and Encourage others to purchase the Remaining Eleven Lots in order for the Immediat Discharge of the Contract for the Excise above mentioned, & other Good purposes in the Said Petition Recited and set forth.

BE it therefore Enacted by the Governour Council and Generall Assembly, and it is Enacted by the Authority of the Same That in order to Discharge and pay off the Debt aforesaid become Due to the publique by the Said Livingston his Contract for farming the Excise of this Colony Between the Years, Seaventeen hundred Seaventeen, and Seaventeen hundred Eighteen, and Seaventeen hundred Eighteen and Seaventeen hundred Nineteen, and for the Releif & Support of his family under their present Exigences, That the Said Gilbert Livingston is hereby Authorized, Enabled, and Empowered to Sell and Dispose of Eleven Lots of land in this City given to Said Livingston and Cornelia his wife by the Last will and Testament of Coll: Henry Beekman late of Ulster County Deceased, Which Said Lots are Distinguished and known by Certain marks or numbers agreed & fixed upon in and by Certain Deeds and Covenants baring Date the Tenth Day of July anno. Dom. Seaventeen hundred Eighteen, made Between Henry Beekman John Rutse and Cathrina his wife all of Ulster County and the petitioners, and are Scituate butted and bounded as follows That is to Say three Lotts marked one hundred forty nine, one hundred fifty, one hundred fifty one Bounded westerly by Beekmans Street, Easterly by other Lots and Southerly by Alexander Baird and Northerly by John Cannon being in breadth front & Rear Each Seventy two foot, and in Length one hundred foot, And one other Lot marked two hundred and Eighteen lying to the South East of Queens Street and bounded Northerly by S'd Queens Street being in breadth by Said Street fourty four foot, Southerly by high water mark of the East River and is there in breadth fourty Eight foot, being bounded Easterly by the City Ground or a Slip Westerly by land now in possession of Benjamin peck in Length from Said Queen Street to high water mark, Six other lots marked, Eighty Eight, Eighty nine, Ninety, Ninety one, Ninety

two, and Ninety three, which two lots Eighty Eight, and Eighty nine, are fronting Southerly to Gold Street Easterly to the Swamp Westerly to George Street and northerly to the lot numb. Ninety being in breadth at Gold Street fifty foot and at George Street fifty foot to the Swamp fifty foot and along the lot Ninety fifty eight foot, and which other four lots, Ninety, Ninety one, Ninety two, and Ninety three are bounded Westerly by George Street, one hundred and one foot four Inches, Southerly by the Last mentioned Lots, Easterly by the Swamp the same as by George Street Northerly by John Beekman one hundred and Ninety one foot, Lykewise another Certain lot of land Bounded Northerly by Queenstreet afore Said Westerly by the Ground of John Cannon along his line from the Said Street to low water mark on the East River, and Easterly by land which William Beekman Deceased in his life time Sold to one Thomas hock about the Sixteenth December Sixteen hundred Eighty nine So along Said hocks line to low water mark, and Southerly by low water mark of the East River, Excepting fifty foot by Queens Street and fifty foot by the River afore Said, adjoining to the Said land of thomas Hock which Coll Henry Beekman in his life time Sold to John Ellis

AND it is hereby further Enacted that the Said Gilbert Livingston is hereby fully Authorised and Empowered to give, Grant, Bargain for, Sell, Dispose of or Convey any one or all of Said lots to Such purchaser or purchasers as he Shall See Convenient, and the title or titles for Such lot or lots made, according to law by Said Livingston to Such purchaser or purchasers, Shall be, and is, and are by this Act made to be Good and Effectual in law, and Shall for Ever be and Remain in full force and Virtue against the heirs or assignes of the Said petitioners or any person Claiming from by or under the Said petitioners or Either of them, or the Said Henry Beekman Deceased or his heirs to all Intents & purposes in law what So Ever

AND it is here by further Enacted that the Said Livingston is here by further Authorised to give a full & Sufficient Title in law to the persons undermentioned their heirs or assignes & no other, for four of the above mentioned fifteen lots heretofore Sold & Disposed of by the petitioners, one halfe of two lots, numb. one hundred Eighty three and one hundred Eighty four to hendrick Anthony of this City Baker, and the other halfe of the two Said lots to John van hoese and two other lots numb. one hundred fifty two & one hundred fifty three to John Cannon both of this City mereners in Same mannor and form and to the Same purpose force

and Effect as he the Said Livingston is here by Empowered to give Grant Bargain for, Dispose of, Sel, or Convey any of the Eleven lots in this act more perticularly mentioned and Discribed.

[CHAPTER 418.]

[Chapter 418, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Johannus Van Soolingen, Johan Remerse, Henrick Schliedorn Johan Bernard Voediren, and Johannus Hausz.

[Passed, July 27, 1721.]

WHEREAS Johannus Van Soolingen, Johan Remerse, Henrick Schieldron, Johan Bernard Voediren, and Johannus Hausz have by their Petition to the Generall Assembly of the Province of New York desired that they might be Naturalized and become his Majesties Subjects,

Beit therefore Enacted by his Excellency the Governour, Council, & General Assembly, and by the Authority of the Same, that the Said Johannus Van Soolingen, Johan Remerse, Henrick Schliedorn, Johan Bernard, Vodrien, and Johannus Hausz are hereby declared to be Naturalized to all Intents Constructions & purposes whatsoever & from henceforth are and at all times hereafter Shall be entituled to have & Enjoy all the Rights Libertys, Previledges and Advantages which his Majestys Natural born Subjects in this Colony have & Enjoy, or of right ought to have and Enjoy, as fully to all Intents Constructions and purposes whatsoever as if the Said Johannus Van Soolingen, Johan Remerse Henrick Schliedorn, Johan Bernard Voediren and Johannus Hausz had been borne within this his Majestys Province of New York.

PROVIDED Always & it is hereby Enacted that the Said Johannes Van Soolingen, Johan Remerse Henrick Schliedorn John Bernard Voediren and Johannus Hausz Shall take the Oaths appointed by Law in Stead of the Oaths of Allegiance and Supremacy Subscribe the Test and make repeat and Swear to and Subscribe the Abjuration Oath, in any of his Majesties Courts of Record within this Colony, which Said Courts are hereby required, upon application to them made to administer the Same and take Subscriptions and Cause the Name of the Persons So Swearing and Subscribing to be entred upon Record in the Said Court for which the Said Persons and every one of them are hereby required to pay

the Sum of Six Shillings Current money of New York to the Judge of the Said Courts respectively and each and every of them three Shillings to the Clerk.

AND be it further Enacted by the Authority aforesaid that if the Said Persons having Sworne and Subscribed as aforesaid, Shall Demand a Certificate or Certificates of his or their being entred upon Record in Manner aforesaid, the Said Court or Courts are hereby Directed & required to grant the Same under the hand and Seal of the Judge and of the Said Court in which the Said Johannis Van Soolingen, Johan Remerse, Henrick Schliedorn John Bernard Voediren and Johannis Hausz Shall so Sware and Subscribe, Counter Signed by the Clerk of the Said Court for which Certificate the Persons or Persons REQUIRING the Same Shall pay over and above the Nine Shillings before Mentioned, the Sum of Six Shillings one half to the Judge of the Said Court or Courts and the other half to the Clerk thereof which Said Certificate or Certificates Shall at all times be a Sufficient proof of the Person or Persons being Naturalized by this Act as if the Record aforesaid were actually produced by the Said Johannis Van Soolingen Johan Remerse, Henrick Schliedorn Johan Bernard Voediren and Johannis Hausz or any of them any Law usage or Custom to the Contrary hereof in, any wise notwithstanding.

[CHAPTER 419.]

[Chapter 419, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 357. Repealed by chapter 448.]

An Act for Settling the Militia of this Province and the making of it usefull for the Security and Defence thereof and for Repealing all former Acts Relating to the same

[Passed, July 27, 1721.]

WHEREAS the Safety and Defence of this Province Greatly Depends upon the Militia being put under such Rules and Methods as are most Agreeable to the Preservation thereof, and to the end that the Inhabitants should be Well Armed and Trained up in Acts Military as well for the Honour and Service of his most Sacred Majesty as for their Own Preservation.

BE IT ENACTED and Ordained by the Governour Council and Representatives in Generall Assembly Met and Assembled and by Authority of the same that no Person whatsoever from Sixteen to

Sixty Years of Age shall Remain Unlisted by themselves their Parents Masters Mistresses or Employers under the Captains of their Respective Places of Abode in foot or Horse the Space of one Calendar Month after their Attaining the Age of Sixteen Years or after their Arrival or coming to Reside or Sojourn in any Place within this Province on Penalty of Twenty Shillings and so for every Month such Person after Notice thereof Given shall Remain Unlisted.

AND that every foot Soldier be Provided with a Well fixed Musket or Fuzee a Good Sword Belt and Cartouch Box Six Cartridges of Powder and Six Sizeable Bullets and so shall Appear when and where Required upon Penalty of Ten Shillings in the City of New York and every Respective County in this Province five shillings for Defalt of not Appearing Three Shillings for want of each well fixed Musket or Fuzee Sword Belt or Cartridge Box and of One Shilling for want of each Cartridg or Bullet so as the whole Penalty Exceed not Twenty Shillings.

AND that every Soldier belonging to the Horse shall when and where Commanded Appear and be Provided with a Good Serviceable Horse of fourteen Hands at least High Covered with a Good Saddle with Holsters Breast Plate and Crupper a Case of Good Pistolls a Hanger Sword or Rappier half a Pound of Powder and Twelve Sizeable Bullets on Penalty of Twenty Shillings for none Appearance for want of a Sizeable Horse of Ten Shillings for WANT of a Good Saddle Holsters Breast Plate or Crupper of three Shillings and for Want of each Bullet and Charge of Powder of One Shilling so that the whole Penaltys for One time Exceed not Twenty Shillings.

AND that every foot Soldier shall have at his Habitation or Place of Abode One Pound of Good Powder and three Pounds of Sizeable Bulletts, and every Trooper or Soldier belonging to the Horse shall have at his Habitation or Place of Abode a well fixed Carabine with Belt and Swivell and Two Pounds of Fine Powder with Six Pounds of Sizeable Bullets on Penalty of Ten Shillings each Soldier of foot or Horse.

AND for a Constant Supply of Troopers in each City and County throughout the same Province where Troops have been and are in being whensoever by Death or otherwise it shall happen there be forever in Number than Fifty in One Troop. BE IT ENACTED by the Authority aforesaid that it shall and may be Lawfull to and for the Colonel or other Chief Officer of the foot Militia of the same

City or County for the time being to Present Double the Number of such as are Dead or otherwise Wanting to make up the same Troop to be fifty out of the foot Militia of the Same City and County at his Discretion whom he shall Judge best Capable of Serving in the Horse to the Captain General or Commander in Chief for the time being who from time to time as there is Occasion may List and order so many of them to be of said Respective Troops as may Compleat the Number of Fifty, And the Residue of them shall Continue Soldiers on foot untill Ordered to the Contrary, And every Person so Presented and Ordered by the Captain Generall or Commander in Chief for the time being to be Inlisted in the same Troop are hereby Obligated to Provide themselves with all Necessary Equipage proper Arms and Ammunition and to serve in said Troop upon Pain of Ten Pounds.

AND BE IT FURTHER ENACTED by the Authority aforesaid that upon Notice Given of a Generall Muster or of the Appearance of any of any Particular Company or Troop no Person whatsoever Listed in Foot or Horse in manner aforesaid shall withdraw himself from that Service or go out of Town without first having Acquainted his Superior Officer therewith and of the Urgent Necessity and without having the Leave and AUTHORITY of his Superior Officer so to do on Penalty of Ten Shillings, And no Commission Officer in such case shall withdraw himself from that Service out of Town without giving Notice to and having the leave of his Superior Officer on Penalty of Twenty Shillings, AND that no Serjeant Corporall or Drummer do Absent themselves or go out of Town without such Notice given and leave had from his Captain or other Commission Officer on Penalty of Twelve Shillings.

AND WHEREAS upon some Emergency happening It may be found Necessary to keep Military Watch or Guard in some Part or Parts of the province BE IT ENACTED by the Authority aforesaid that in such case it shall and may be Lawfull for any Person or Persons Listed in any Regiment of this Province to Put a well Armed Man in their Room who if Approved of by the Captain of the Guard shall Excuse his or their Absence PROVIDED always that the Commission Officers in their turns be Obligated to Mount the Guard in their proper Persons, if the Military Watch or Guard be so Great as to Require a Commission Officer to Attend and Command PROVIDED always that no Person or Persons thereunto Required by their Superior Officer or Captain to be Serjeant Corporall or Drummer in the Company wherein he is listed do Refuse to serve under the Penalty of Forty Shillings.

AND BE IT FURTHER ENACTED by the Authority aforesaid that all Captains of foot Companys or Troops or Horse shall within Twelve Months after Publication of this Act Provided for their Companys and Troops Drums and Colours Trumpets and Banners and Drummers and Trumpeters at the Proper Charge of their Respective Officers Troops and Companys under the Penalty of Ten Pounds and so for every four Months such Captain shall Remain Unprovided, And that all the Colonells of the Respective Regiments or next Chief Officer shall once every Year at least Issue out their Warrants to the Inferior Officers Commanding them to make Diligent Search and Inquiry into their Severall Precincts that all Persons be duly Listed Armed and Equipped And to Return TO them such Defects as shall be found to the end the same may be Reform'd on the Penalty of Twenty Pounds, And that once every three Months or Oftener as Occasion shall Require and Command Given by the Captain Generall or Commander in Chief for the time being the Several Companys and Troops in each Regiment shall Meet at the next and most Convenient Place to be Appointed by the Respective Officers to be then and there by them Mustered and Exercised.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that During the time the said Officers and Soldiers are in Arms they shall Observe and keep all and every the Laws and Articles of Warr and give all due Obedience to their Superior Officers which Laws and Articles the Captain Generall or Commander in Chief for the time being with Advice of a General Council of Warr is to make and Establish And the Commanders of the Several Regiments or other Chief Officer of a County are to give out Copys of the said Articles unto the Respective Officers under them that the same may be Publicly Read once every three Months unto the Soldiers Whilst they are in Arms that all Persons may the better Know and Observe their Dutys And if it shall happen that any of the Officers or Souldiers whilst they are out of Arms endeavour to take Revenge by force for any thing his or their Superior Officer Lawfully did in Pursuance of his and their Duty and this Act, the said Officer or Soldiers shall be brought to a Court Martial, and there Punished, as if the Offence had been done in time of Service or Exercise. PROVIDED That Punishment shall not Extend to life or Limb. PROVIDED also, That until such time as these Laws and Articles of War are Established by the said General Court Martial, every Soldier under Arms, that shall not Give due Obedience to his Superior Officer, shall forfeit the Sum of Ten Shillings for each

Offence, and be Committed to the next Goal till the said Fine is paid, with Prison Charges, and the Sheriff of each City and County is hereby Authorized and Impowered to take such Offenders into Custody, by Virtue of the Officers Warrant under his Hand and Seal, in writing, and them to keep in safe Custody till the fine and Prison fees be paid and Satisfyed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That Once every Year, or Oftener if thereunto Required, each Particular Captain shall give to his Colonel or Feild OFFICER, and the Colonel or Field Officer to the Captain General or Commander in Chief, for the time being, fair Written Rolls of their Respective Companys and Regiments. And if any Field Officer, Colonel, or other Inferior Officer shall Neglect or Refuse to Perform the Lawful Commands of their Superior Officers, he or they shall be Punished by Fine, Casheering, or other Punishment, according to the Discretion of a Court Martial, which Captain General or Commander in Chief is to Establish and Appoint; And the orders of the said Court Martial are hereby Declared to be Binding in all Military Affairs. And if any Person, upon any Invasion, or other Publick Military Service, shall be Wounded or Disabled, he shall be Cared and Maintained out of the Publick Revenue of the Province. And if any Person shall be Sued, Molested and Impleaded for any thing Lawfully Commanded or done in the Execution and Performance of this Present Act, he shall Plead the GENERAL ISSUE, and give this Present Act in Evidence, and shall thereupon, if found for him, Recover Treble Costs of Suit.

PROVIDED always, That the Several fines and forfeitures, Mentioned in this Act, shall be Levyed, Recovered and Disposed of as followeth, VIZT. That all such as do Relate to any Person under the Degree of a Captain, shall be Adjudged by, and be to the Respective Captains, to Defray the Charges of their Companys and Troops, and to be Levyed before the next Exercising Day, by Distress and Sale of the Offenders Goods, by the Captains Warrant to the Serjeant or Corporal, so as Aforesaid Appointed by the Captain; but if the Offender be a Servant, or under his Parents, the Parents or Masters Goods shall be liable to such Distress and Sale, as aforesaid, so that Satisfaction shall be made. And if any such Serjeant or Corporal shall Refuse to Execute such Warrant so to him Granted, such Serjeant or Corporal shall forfeit for every such Offence or Neglect, for the use aforementioned, the Sum of Forty Shillings, to be Levyed by Distress by such other Serjeant or Corporal by the

like Warrant, under the Hand and Seal of the Captain, as is before Expressed. AND for all other Penalties Mentioned in this Act, the same to be Levyed by Distress and Sale of the Offenders Goods and Chattles by the Provoost Marshal or Clerk of the Regiment, by Warrant from the Captain General or Commander in Chief, for the time being, or of the Chief Field Officer where such Offenders are, One half thereof shall be to the Captain General or Commander in Chief, for the time being, And the other half to the said Field Officer of that Regiment where the Offence is Committed. And if the fines that do Relate to Persons under the Degree of a Captain shall not Amount to a Sum Sufficint to Defray the Charge of the Captains of Companies and Troops, that then what is wanting shall and may be Levyed upon the Several Soldiers Equally, by Warrant or Order of the Colonel or Chief Officer of the Regiment, Troop or Company.

AND where no Effects whereon to Distrain are to be found the Person Offending is to be sent to Prison there to Remain till Satisfaction shall be made with Prison fees, And the Serjeant Corporalls and Provoost Marshall or Clerk of the Regiment are to Reserve to themselves out of each Distress or Fine the Sum of three Shillings for Executing each Warrant from their Captain or other Superior Officer, Provided always that in case of a Military Watch or Night Guard where a Captain doth not Command in Person the Warrant of Distress Granted by an Inferior Officer who did Command the Guard or Watch shall be of the same Authority against Defaulters as if it were made and Done by a Captain any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Person whatsoever do Presume to Fire any Small Arms after Eight of the Clock at Night unless in case of Alarm Insurrection or any other Lawfull Occasion, In which case four Muskets or small Arms Distinctly Fired, or where Great Guns are The Firing of One Great Gun and Two Muskets or small Arms Distinctly and beating of a Drum shall be taken for an Alarm which shall be Continued along from Place to Place throughout the Province, And every Person that shall Neglect his Duty in taking and Giving forward an Alarm by Firing and Beating Drum as aforesaid or that shall Fire Arms after Eight a Clock at Night shall be Fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb; And in case of an Alarm every Soldier is immediately to Repair Armed to his Colours or Parade on Penalty of five Pounds, Which shall be understood to be to ye Habita-

WHICH Oath being Certified by the Justice of the Peace to the Captain where he is Listed and it Appearing thereby that he is not Sixteen Years of Age he shall be Dismissed untill he be Sixteen.

PROVIDED always that all the Members of his Majesties Council Justices of the Peace High Sheriffs Coroners and other Civil Officers of his Majesties Government in this Province, And all Officers of Courts MINISTERS Schoolmasters Physitians and Chirurgeons shall be free from being Listed in any Troop or Company within this Province any thing Contained herein to the Contrary in any ways Notwithstanding.

Provided always that nothing in this Act Contained be expounded Construed or understood to Diminish Alter or Abridge the Power of the Captain General or Commander in Chief for the time being but that in all things and upon all Occasions he may Act as fully and freely as Captains Generall and Commander in Chief to all Intents and Purposes as if this Act had never been made anything in this Act to the Contrary Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid that all and every Act and Acts heretofore made for Setling of the Militia of this Province or Relating thereunto be and are hereby Repealed, Reversed Vacated and become Null and Void to all Intents Constructions and Purposes.

PROVIDED also that this Act nor any Article therein Contained shall be Construed or taken to Allow of or give Liberty to any Negro or Indian Slave to be Listed or to do any other Duty in this Province belonging to the Militia unless it be to be Trumpeters or Drummers if Capable and to Work as Pioneers and not otherwise.

AND PROVIDED always that no Person or Persons whatsoever shall be Sued Prosecuted or his Goods and Chattles Lyable to any Levy or Seizure by Virtue of any Clause in this Act before Mentioned but within the Space of three Calendar Months after the Committing the Respective Offences or Neglects and not at any time thereafter.

PROVIDED always And be it Enacted by the Authority aforesaid that no Commission Officer of the Militia of this Province Legally Superseded shall thereafter be Obligated to do the Duty of a Private Soldier unless he be Cashiered by order of a Court Marshal for Cowardice or some other Notorious Offence nor shall it be in the Power of any Commission Officer to throw UP or Quitt his Commission in order to be made free from the Duty of a Private Soldier untill he have Served in Commission for fifteen Years at least any

thing in this Act to the Contrary thereof in any ways Notwithstanding. This Act to be in force for the Term of three Years from the Publication hereof and no Longer

THE SEVENTEENTH ASSEMBLY.

Tenth Session.

(Begun May 30, 1722, 8 George I, William Burnet, Esq., Governor.)

[CHAPTER 420.]

[Chapter 420, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 211. The act referred to is chapter 396.]

An Act for making more effectual an Act entituled an Act for a Supply to be granted to His Ma'ty for Supporting his Government in the Province of New York, during the time therein mentioned, & for Repealing one Act of General Assembly of this Province, entituled, an Act for a Supply to be granted to His Ma'ty, for supporting his Government in the Province of New York, from the first day of July, which shall be in the Year of our Lord, One Thousand Seven Hundred and Twenty, to the first day of July One Thousand Seven Hundred and Twenty one.

[Passed, June 22, 1722.]

WHEREAS by several former Acts of the General Assembly for Supporting this His Ma'ties Government in the Province of New York, it has been amongst other things Enacted, that the Duty of every Pipe of Wine Imported into this Province, from any other place or parts, than that of its Growth, Production or Manufacture, Should pay Fifteen Ounces of Plate of the Spanish Coins of Sevil Pillar or Mexico, or the value thereof in Lyon Dollars or half Dollars, at Thirteen penny Weight & Eighteen Grains each Dollar, or in Bills of Credit Current in this Colony, and so in proportion for all greater or Smaller Quantities Imported as aforesaid. And whereas formerly the Duty so laid and Imposed as aforesaid, having been Omitted to be laid and Imposed, in and by the present Act now in force, entituled, an Act for a Supply to be granted to His Ma'ty, for Supporting his Government in the Province of New York, during

the time therein mentioned, & now being found by Experience very Detrimental & Inconvenient to Discontinue the said Duty for any longer time. BE it therefore Enacted by his Excellency the Governor, Council & General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Seventh Day of June in the Year of our Lord, One Thousand Seven Hundred twenty two, until the first day of July, which shall be in the Year of our Lord, One Thousand Seven Hundred Twenty and Six, there be Levied Collected and Paid, For every Pipe of Wine Imported from any other place, than that of its Growth, Production or Manufacture the sum of Fifteen Ounces of Plate, of the Spanish Coins of Seville, Pillar or Mexico, or the value thereof in Lyon Dollars, or half Dollars, at Fifteen Penny weight each Dollar, or Bills of Credit made Current in this Colony, and so in proportion for all greater and Smaller Quantities Imported as aforesaid, The said Duty to be Collected paid and Recovered, in and after the same Manner, Regulations, Conditions and Restrictions, and for the Uses as is and are prescribed and Directed in and by the said Act passed in the Month of November, One Thousand Seven hundred and Twenty entitled, an Act for Supply to be granted to His Ma'ty, for Supporting his Government in the Province of New York, during the time therein mentioned &c

[CHAPTER 421.]

[Chapter 421, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 211. See chapter 405. Expired, July 1, 1724.]

An Act for Continuing the Currency of Bills of Credit to the Value of Three Thousand Ounces of Plate till the first Day of July which will be in the Year one Thousand Seven hundred and Twenty four.

[Passed, July 7, 1722.]

WHEREAS by one Act of the Generall Assembly of this Province made in the Seventh Year of His Majesties Reign Entitled an Act for the further Continuing the Currency of Bills of Credit to the Value of Six Thousand ounces of Plate for and During the time therein Mentioned. It was Enacted that Bills of Credit to the Value of Three Thousand Ounces of Plate part of the Said Six Thousand Ounces of Plate, the Credit of which was by the Said Act Continued, Should be Sunk and Destroyed on the first Day of July,

in the Year of our Lord, one Thousand Seven hundred Twenty two, And Whereas the Urgent and pressing Necessities of this Colony are Still as great as ever, and the Province as unable as at any time past, to Sink the Said Bills. Be it therefore Enacted by the Governour Councill and Generall Assembly, and it is hereby Enacted by the Authority of the Same, That the Said Bills of Credit to the Value of Three Thousand Ounces of plate by the Said Act Appointed to be Sunk and Distroyed, on the Said first Day of July, in this Present Year One Thousand Seven hundred Twenty Two, Shall be and are hereby Continued and made Current, untill the first Day of July One Thousand Seven hundred and Twenty four, any thing in the Said Act to the Contrary hereof, in any Wise Notwithstanding.

[CHAPTER 422.]

[Chapter 422, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 404. Expired, July 1, 1723.]

An Act continuing a Clause in an Act of General Assembly Entituled an Act for the further laying out Regulating and better Cleering Publick highways thro' out this Colony So far as it relates to the County of Suffolk in this Province.

[Passed, July 7, 1722.]

WHEREAS the Representative for the County of Suffolk hath Desired, That an Act passed in the Twelfth Year of Her late Ma'ties Reign, entituled, an Act for the further laying out Regulating and better Clearing publick Highways thro' this Colony, Expired by its owne Lymittation may be Revived again, So far as it relates to the said County of Suffolk.

Be it therefore Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That one Act of General Assembly entituled an Act for the further laying out Regulating and better Clearing Publick Highways thro' out this Colony Expired the first of June, One Thousand Seven Hundred and Twenty, be Revived So far as it relates to the County of Suffolk, to all Intents and purposes, for and until the first Day of July, which will be in the Year of our Lord, One Thousand Seven Hundred Twenty three and no Longer.

[CHAPTER 423.]

[Chapter 423, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 211. See chapter 277. Expired July 1, 1729.]

An Act for Reviving an Act of Generall Assembly entituled an Act to prevent Damages by Swine in the County of West Chester Queens County and the County of Richmond & for Including Kings County & Orange County in the Same Manner.

[Passed, July 7, 1722.]

WHEREAS an Act of Generall Assembly of this Province made in the Seventh Year of her late Majestys Reign entituled an Act to prevent Damages done by Swine in the County of West Chester Queens County and the County of Richmond, is Expired by its own Limatation and the Said Act having by Experience been found to be very beneficial to the Said Countys

BE it therefore Enacted by the Governour Council and Generall Assembly and by the Authority of the Same, that the Said Act & every Article Clause and thing therein Contained be revived and Continued and the Same Act is hereby revived Continued and to remain in force for and During the Term of Seven Years from and after the Publication of this present Act and no Longer.

AND whereas the Inhabitants and Freeholders of Kings County and Orange County are Desirous to have the benifit of this aforesaid Act in the Same Manner as the Freeholders and Inhabitants of West Chester Queens County and the County of Richmond.

BE it Enacted by the Authority aforesaid that the Said Act and every Article and Clause and thing therein Containing relating to Damages done by Swine, as is therein particularly Expres'd, Shall be in the Same force and Validity to all Intents and purposes in the Said two Counties of Kings County and Orange County, as in the there abovesaid Counties, any Act Law or Custom to the Contrary thereof notwithstanding.

Provided always that this Act do Extend only to that part of the County of Orange which Lyes to the Southward of the High Lands in the said County of Orange any thing in this Act before contained to the Contrary notwithstanding.

[CHAPTER 424.]

[Chapter 424, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 211. Expired July 1, 1723.]

An Act for the more Speedy and Effectual
Recovery of Arrears due and payable For
Duties Laid within this Colony.

[Passed, July 7, 1722.]

WHEREAS there are Severall Sums of money in arrear due and payable for the Duties arising on Negroes Imported, Wine, Rum Molasses, Cocoa, Tonnage of Vessels, and Salt, or for the Duties arising on Some one or more of the said Commodities, which Arrears have been Occasioned partly by the Neglect and Delay of the Persons owing the Same partly by the Neglegence, forbearance, and Lenity of the Proper Officers appointed to Collect and Receive the Same partly from the Debtors not Entering into Bond or Recognizance to His Majesty for the Sums of money Due by them which may render it difficult to recover the Said Sums of money in time convenient to Answer the Exigences of this Province. Be it therefore Enacted by the Governour Councill & Generall Assembly and it is hereby Enacted by the Authority of the Same, That the report made of Negro's Imported and Sworne to by the Master of the Vessell Importing the Same, together with an Affidavit made by the Officer appointed to receive the Said duty on Negroes before any Justice of the Peace, that the Said Duty is not payed and Expressed how much of the SAME remains Due and unpaid and who the Same is payable by, Such Report and affidavit Shall Charge the Person by the said Officer Sworne to be Indebted His Heirs Executors and Administrators with the Sum so Sworne to be due and unpaid and be as Effectual in the Law to all Intents Constructions & purposes whatsoever to Recover the Said Sum of money from the Persons So upon Oath Charged with the Same, his Heir's Executors or Administrators as if the Person so Indebted had Entered into Bond or Recognizance to his Majesty for the Said Sum and when recovered Shall be paid into the hands of the Treasurer of this Colony for the time being to be applyed as the Law Directs.

AND be it Enacted by the Authority aforesaid that Promissory Notes given to Coll: Abraham De Peyster late Treasurer of this Colony [or to Abraham De Peyster Junior, the Present Treasurer of this Colony] before the Publication hereof for any of the Duties on

Rum, Molasses, Salt or Cocoa together with the Gagers, measurers or weighmasters Certificate (according as the Nature of the thing Shall be) of the quantity thereof, Shall Charge the Person giving Such promisory note his Heirs, Executors and Administrators & He or She and they are hereby Declared to be holden bound to his Majesty His Heirs and Successors in the Sum, to which the Duties of the QUANTITY of Rum Molasses Salt or Cocoa so Certified as aforesaid doth amount unto, as fully and Effectually to all Intents Constructions and purposes in the Law, as if the Person giving Such promisory note had entred into Bond or Recognizance to his Majesty for the said Sum, and when recovered Shall be paid as herein before Directed.

And be it Enacted by the Authority aforesaid, that Promisory Notes given either to Coll: Abraham De Peyster late Treasurer or to Abraham De Peyster Junior the present Treasurer before the Publication hereof, for the Duties on Wine Shall Charge the Person promising his or her heirs Executors and Administrators and he or She and they are hereby Declared to be holden Bound to His Majesty his Heirs and Successors in the Sum to which the Duties of the Number of Pipes or quantity of Wine mentioned in Such Promisory note does amount unto as fully and Effectually to all Intents Constructions and purposes in the Law whatsoever as if the Person giving Such Promisory note had Entred into Bond or Recognizance to his Majesty for the Same and when recovered Shall be paid unto the Treasurer of this Colony for the time being, and be applyed as the Law Directs.

And whereas the pressing Occasions of the Debtors may have been SOME reason of the Delays that have been made in the payment of the Sums now Due and it may admit of Doubt whether the Said Debtors will not be Obligated to pay Lawfull Interest from the time the Said Sums become due, in Order therefore to ease the said Debtors and to Expediate the payment of the Said Debts & arrears now due, Be it Enacted by the Authority Aforesaid, that every Person now Owing and being Indebted and in arrear that Shall within Ninety Days after the Publication of this Act pay to the Treasurer of this Colony for the time being or to the proper Officer to whom Such Duties is payable, Such Sum of money as is by the said Person Due and owing for Duties and that without any Law suite or Charge in the Law by the said Treasurer or Other Officer Expended for the recovery of the Same, every Such Person so paying as aforesaid Shall be fully Acquitted Exonerated and Discharg'd

as well for the Sum paid as also for any Interest growing or arising on the Same anything in this Act to the Contrary hereof in any wise notwithstanding.

This Act to Continue till the first Day of July which will be in the year of our Lord one Thousand Seven hundred and Twenty three and no Longer.

[CHAPTER 425.]

[Chapter 425, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 216. Expired at the end of the next session after November 19, 1723. See chapter 465. Livingston & Smith and Van Schaack state that the act was repealed by the king, December 11, 1729.]

An Act for the further and more Effectual
Prohibiting of the Selling Indian Goods to the
French.

[Passed, July 7, 1722.]

WHEREAS Severall Ill Dispos'd Persons regarding more their own private Lucre then the Publick Safety and advantage, have found out ways and means in great part to Elude Defeat, and render Ineffectual the good purposes meant and Intended by one Act of the Generall Assembly, Entituled an Act for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province, and for Prohibiting the Selling of Indian Goods to the French, and do privately and Clandestinely carry on a Trade with the French, therefore for the more Effectual Discovery and preventing of the Said Clandestine Trade.

Be it Enacted by the Governour Council and Generall Assembly, and it is hereby Enacted by the Authority of the Same, That it Shall and may be Lawfull for the Mayor or any Aldermen of the City of Albany [or any of the Justices of the Peace of the Said County or the Commanding officer of the Garrison at Albany], Schenectady or Fort Hunter, or the Commanding Officer of any of the Guards or Persons Employed to Discover and prevent the Trade with the French or the High Sherif of ye City and County of Albany or any of ye Commissioners of ye Indian affairs to administer an Oath to any PERSONS Suspected to have Traded or Trafficked with any Subject of the French Kings, or with any other Person for them, Contrary to the meaning and Intent of the before mentioned Act, or that has been privy Aiding or assisting to the Carrying on or managery of Such Trade or Traffick, And every Such Person Shall take the following Oath Viz. I do solemnly and Sincearly Sweare by the Great Creator of Heaven

and Earth, that I have not at any time after the Sixteenth day of August, in the Year, One Thousand Seven hundred & Twenty Two, to my knowledge Directly or Indirectly Sold or Delivered to any Subject of the French Kings, or to any other Person or Persons for or on the behalf, or for the use of any Subject of the French Kings, any of the Goods Weares and Merchandizes mentioned in one Act of the Generall Assembly of this Province, Entituled an Act for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province and for prohibiting the Selling of Indian goods to the French or any of the Goods known by the Name of Indian Goods, nor have Knowingly Directly or Indirectly Treated, Traded or bargained, with any Subject of the French Kings, or with any other Person or Persons, for or on the behalf of any Subject of the French Kings, for any of the goods in the Said Act mentioned, or that I Knew was meant or Intended to be prohibited by it, nor have I Directly or Indirectly to my Knowledge Employ'd or Directed any other Person to Trade or Traffick for me with any Subject of the French Kings or with ANY other Person for any Such Subject for any of the Goods in the Said Act mentioned nor has any Person by my Direction Consent or procurement, Sold or Delivered, for me, any of the Said Goods to any Such Subject or to any Person for them, nor do I Directly or Indirectly know that any Person or Persons not already Discovered has Traded with any Subject of the French Kings or with any Person or Persons for them Contrary to the before mentioned Act, and I have not knowingly Transported Carried or Delivered, or have been Aiding and Assisting in the Transporting, Carrying or Delivering, any of the Goods in the Said Act mentioned, Contrary to the meaning & intent of the Said Act, nor do I know that any other Person (not already Discovered) hath Transported, Carried or Delivered or that hath been Aiding and Assisting in the Transporting Carrying or Delivering any of the Said Goods Contrary to the Directions meaning and Intent of the Said Act. So help me God.

AND be it Enacted by the Authority aforesaid that any Person to whom the Said Oath Shall be Tendered by any of the Persons before Mentioned, and Shall refuse to purge himself by takeing the Same Every Such Person so refusing shall Ipso facto be adjudged Convict of having Traded with the Subjects of the French King Contrary to the meaning and Intent of the before mentioned Act And SHALL be Subjected to the Penalty and Forfeiture of one Hundred Pounds Current money of this Colony

and Shall Immediately by Warrant under the hand and Seal of the Person Tendering the Said Oath be Committed to the Common Goale of the County, there to remain untill He or She Shall pay the Said Sum of one hundred Pound, to be applyed towards the Building or repairing Such of the Fortifications of this Colony as the Governour or Commander in Cheif of this Colony for the time being Shall think fit.

AND be it further Enacted by the Authority aforesaid, that any Mayor Sherif alderman Justice of the Peace or other Officer Impowered and Authorized by this Act to Tender the before Recited Oath, who Shall Neglect or refuse Immediately to Issue his Warrant to Convene, and bring any person Complained of before him, and being come Shall not Immediately Tender the Said Oath unto him or her or that Shall privately give Such Suspected Person Complained of, any Notice whereby he or She may Escape Every Such Mayor Alderman, Sheriff Justice of the Peace or other Officer so neglecting or refusing or giving Such Notice and being thereof Legally Convicted in any Court of record within this Province Shall for every Such Offence forfeit the Sum of Two hundred pounds Current money of this Province to be levyed on their Goods and Chattles, Lands and Tenements and APPLIED two thirds thereof as is herein before directed and The other third thereof to Such Person or Persons as Shall Inform and Sue for the Same by Bill Plaint or Information wherein there Shall be no Essoine protection or Wager of Law or any more than one Imparlance, and the Person convicted Shall also be rendred Incapable of Serving his Majesty his Heirs or Successors in any Office of Trust, or profit within this Government. And be it Enacted by the Authority aforesaid, that the Commanding Officer and every Soldier who Shall be Employed by the direction of the Governour or Commander in Cheif of this Province for the time being, and posted in any Place to prohibit the Said Clandestine Trade, Shall take the following Oath I..... do Solemnly Swear that I will use my utmost Endeavour to prevent and Discover any Illegall Trade, Carried on with the French at Canada or with any Person on their behalf Contrary to the Laws of this Province, now in force, and I will use my utmost Endeavours to Seise and Discover any Indian Goods, Transported Contrary to the Directions in any the Said Laws.

AND be it Enacted by the Authority aforesaid, that if any Commanding officer of any party Employed to prevent and hinder the Said Illegall Trade, or any Person under his Command, Shall

be legally Convicted of taking any bribe or reward, or of knowingly Suffering any of the Goods beforementioned to be Transported (if in his Power to hinder it) or of Concealing or not discovering Unto the Mayor and Aldermen of the City of Albany, or Some of them or Some Justice of the Peace of the Said County the Person or Persons guilty of Transporting the SAME every Such Person so Convicted as aforesaid if a Soldier Such Soldier Shall forfeit all the pay due to him at the time of Such Conviction, and over and above Shall have Such Corporall punishment Inflicted on him not Extending to life or limb, as to the Commanding officer of the Garrison to which he belongs Shall be thought most fit & if an Officer, Such Officer Shall (if Legally Convicted) forfeit the Sum of Two hundred pounds to be Levyed upon his goods and Chattles Lands & Tenements if any Such he have, and for want of Sufficient Distress to be Committed to the County Goale there to remain untill he Shall pay & Satisfy the Said Sum of Two hundred pounds To be applyed two thirds thereof for Building and repairing the Said Fortifications, The other third to such Person or Persons as Shall Inform and Sue for the Same, by Bill plaint or Information wherein there shall be no Essoine protection or Wager of Law or any more than one Imparlance

And Whereas it may so happen that it may be found necessary for promoting a Trade with the more remote Nations of Indians to Transport the Indian Goods Prohibited to be Carried or Transported to the Northward of the East and West Line mentioned in ye Act before Mentioned entituled an Act for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian Goods to the French.

BE it therefore Enacted by the Authority aforesaid that it shall & may be Lawfull for any Person or Persons to Transport any Indian Goods to the Northward of the East and West Line aforesaid, that will BE for the Mayor or Recorder of Albany enter into recognizance in the Sum of Fifty pounds to his Majesty his Heirs & Successors ON Condition that Such Person will not Trade or Traffique with any of the four Nations of Indians known by the Name of Maquaas, Oneides, Onondagas and Cayeugas, or dispose of any the goods by them Carried to any of the beforementioned Nations, unless it be to purchase from them Necessary Provisions for the Subsistance of Such Trader, And also on Condition that he Shall not to his knowledge directly or Indirectly

Trade or Traffick with any Subject of the French Kings or with any Other Person for or on the behalf of any Subject of the French Kings, and Each of the Persons so bound Shall on their returne take the Oath herein before Directed to be taken by Persons Suspected to have Indirectly and Clandestinely Traded Contrary to the true meaning and Intent of the before mentioned Act, and upon refusing to take the Said Oath, Each Person so refusing Shall Ipso facto, be Convicted and Forfeit the Sum in his Recognizance mentioned, and be Subjected to the forfeiture of one hundred Pounds, to be applyed and Recovered as in this Act is first before directed.

AND be it further Enacted that the Mayor or Recorder aforesaid Shall upon any Person or Persons Application to them or Either of them to become bound in Recognizance as aforesaid, take the Recognizance of Such Person or Persons and Certifie the Same to the Commissioners of the Indian affairs, that it may be known what Persons are Entred UPON Such Trade with the remote Indians and a Duplicate of the Said Certificate given to the Person being bound Signed by the Mayor or Recorder of Albany aforesaid Shall be a Sufficient Pass to the Persons becoming bound to lett them or any of them pass with their Effects unmolested for which recognizance and Certificates the Said Mayor or Recorder Shall receive the Sum of Six Shillings for each Person so becoming bound and no greater fee.

AND Whereas by one Act of the Generall Assembly of this Province, made in the Second year of his Present Majesties reign Entituled an Act for the Building and Erecting two Wooden houses or Sheds for the Accomodation of the Indians Trading at albany & keeping them in good repair It was provided and Enacted that two houses each of the Length of Seventy feet and breadth of fifteen feet Should be Erected to Lodge and accomodate the Indians Coming to Albany to Trade, but by the fraudulent Corrupt & Indirect practices of the handlers or Traders with the Indians in the City of Albany Such Houses have been Neglected to be made, as in and by the Said Act is Directed. Be it therefore Enacted that the Commissioners of the Indian affairs in Albany or the greater part of them Shall with the most Convenient Expedition, Cause two houses to be Built of the bigness, and put in Such place as in and by the Said Act is directed and Shall Equally and Indiffirently Assess all the Indian Traders, in the Said City in Such Sum of money as the Charges of ye Said BUILDINGS Shall amount unto, and in Case of refusall of

payment, Shall Levy the Same by Warrant of Distress and Sale of the Goods and Chattles of any Such Trader, neglecting or refusing to pay his quota and proportion of the Tax by the Said Commissioners Assesst as afores'd

AND Whereas nothing can Contribute more to the Establishing and promoting a Trade with the Indians in General than a fair upright and honest Dealing with them, and a Civill and kind Treatment of them, and the Contrary Practices, of Fraud and Injustice in dealing with them must tend to alienate their affections, and will be a means of rendering the English name and Christian Religion Odious and Contemptable among the heathen, It is therefore Enacted by the Authority aforesaid, that the Mayor Recorder Aldermen and Common Council of the City of Albany or the Major part of them for the time being Shall as Soon as may be Assemble and meet together in the Court House at the City of Albany or other Convenient Place, and Shall then and there make Such Regulations with relation to the Indian Trade as to them Shall Seem most fit and Convenient for the Just and fair managery and Carrying on the Said Trade and for preventing any force or fraud to be used or practiced with the Said Indains or any of them which regulations and Directions Shall be made publique and affixed at the most Publique Place in the Said City of Albany that no Person pretend Ignorance of the SAME and it Shall be Lawfull for the Said Mayor or Recorder Aldermen and Common Council, or the greater Number of them to repeal alter and amend the Said regulations or any of them, when and as often as they Shall think fit or as occasion Shall require, so as to make them most Conducive to the good Ends and purposes hereinbefore mentioned. And it is hereby declared to be the duty of the Said Mayor Recorder Aldermen and other the Magistrates of the Said City to use all prudent & legall measures that the Said Regulations be Strickly and Punctually Observ'd and for that End and purpose every of the Said Mayor Recorder Aldermen or Common Council, are hereby Empowered to Examine all Drivers of Waggon, Sleds or Carts and Search all Such Cariages, and to enter into the house or houses of any of the said Traders, and if they on their or any of their View or by the oath of one or more credible Evidence or Evidences find any Person has been guilty of Trading or Carrying Indians Contrary to the regulations made by the Said Mayor, Recorder, Aldermen or Common Council, it Shall be Lawfull for the Said Mayor Recorder Aldermen and Common Council or the greater

part of them to lay a fine upon any Person so found to be Guilty not Exceeding Ten pounds, nor less then five pounds Current money of this Colony and Shall Commit the Said Person to the County Goale, there to remain Untill the Said fine be paid and Satisfyed, or Shall Levy the said fine by Distress AND Sale of the Offenders goods and Chattles, as to the Said Mayor Recorder Aldermen or Common Council or the greater part of them Shall be thought most Convenient which fines Shall be applyed, as in and by this Act is herein first before Directd.

AND be it further Enacted by the Authority aforesaid, that if Such Houses as are herein and hereby Directed to be built Shall not be built According to the Directions and in Such place as by the Act Entituled An Act for the building and Erecting two wooden houses or Sheds for the Accomodation of the Indians Trading at Albany and keeping them in good repair is Directed on or before the first Day of September now next ensuing the Commissioners for the Indian affairs whose Duty it was to Cause the Same to be built Shall each of them Forfeit the Sum of Twenty pounds to be Levyed upon their goods and Chattles Lands and Tenements and applyed to the building or repairing the Fortifications as is herein before Directed and any Mayor or Recorder and any of the Said Aldermen or Common Council Neglecting or refusing to do and performe any the Duties and Services in and by this Act required by the Said Mayor Recorder Aldermen and Common Council to be done and performed, Shall for every Such neglect or refusall forfeit the Sum of One hundred pounds to be Levyed recovered and applyed, two thirds thereof for building and repairing the Said Fortifications the other third thereof to Such Person or Persons as Shall Inform and sue for the Same by Bill plaint or Information wherein there Shall be no Essoine protection or Wager of Law or any more than one Impar lance.

And be it Enacted by the Authority aforesaid, that it is meant and intended, that so much of the Forfeitures in this Act mentioned to be applyed towards building and repairing fortifications are to his Majesty his heirs and Successors to be applyed as particularly above directed, and the residue of the forfeitures in this Act mentioned to the Informers.

This Act to Continue and remain in force till the Nineteenth Day of November which Shall be in the Year of our Lord One Thousand SEVEN hundred and Twenty three and from thence to the End of the Next Session of the Generall Assembly that Shall be thereafter.

And be it Enacted by the Authority aforesaid that the before mentioned Act Entituled an Act for the Encouragement of the Indian Trade and rendring it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian Goods to the French, Shall be and continue in Force during the continuance of this Present Act and no longer.

THE SEVENTEENTH ASSEMBLY.

Eleventh Session.

(Begun Oct. 11, 1722, 8 George I, William Burnet, Esq., Governor.)

[CHAPTER 426.]

[Chapter 426, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 213. Continued by chapter 438.]

An Act appointing Commissioners to let to Farm the Excise of Strong Liquors in the Cities and Countys in this Colony.

[Passed, November 1, 1722.]

WHEREAS by an Act of Generall Assembly of this Colony, made in the Twelfth Year of her late Majestys Reign, entitled An Act for laying an Excise on all strong Liquors Retailed in this Colony, It is amongst other things Enacted, That there Shall be Given and Granted unto her Majesty her Heirs and Successors from the first Day of November in the Year of our Lord one thousand Seven hundred and fourteen unto the first Day of November one thousand Seven hundred & Thirty four, for the Use in the Said Act Mentioned and Express'd an Excise Upon all Strong Liquors Retailed tho' out this Colony under the Quantity of five Gallons (Beer and Syder only Excepted) to wit the Eighth part of an Ounce of Silver, Pillar or Mexico Plate, for every Gallon so retailed, and three Quarters of an Ounce of the Said Plate for every Barrel of Beer or Syder, To the End therefore that the Said Duty of Excise may be ordered, Collected and Managed to the best advantage, for and towards the uses Expressed in the Said Act.

BE it Enacted by the Governour Council and General Assembly and by the Authority of the Same, That the Persons hereinafter Named Shall be and are hereby Appointed Commissioners for one Year next Ensuing. To Commence from the first Day of November One Thousand Seven Hundred Twenty two, And to the END the

first Day of November one Thousand Seven hundred and Twenty three to let the Said Excise to Farm, through out the Cities and Counties of this Colony, for which they Shall be named, that is to Say.

FOR the City and County of New York David Provøost, John Jansen & John Cruger Esq's

FOR the City and County of Albany Phillip Leivingston & Thomas Williams Esq's

FOR the County of Suffolk Selats Strong Esq'r

FOR Queens County Isaac Hicks Esq'r.

FOR Kings County Major Jacobus Beekman.

FOR the County of West Chester Mr John Stevenson.

FOR the County of Ulster Major John Hardenbergh and John Crook Jun'r.

FOR Dutches County Col Leonard Lewis.

FOR Richmond County Abraham Lakerman Esq'r

FOR the County of Orange Cornelius Cuyper Esq'r and Captain Christopher Penn

And be it further Enacted by the Authority aforesaid. That the Said Commissioners for the Citys and Countys for which they are Named, are hereby required and Impowered to Let to Farm the aforesaid Excise in their respective Cities and Counties to the Severall Retailers of Strong Liquors Dwelling within the Same, on the First Tuesday in November next, or at any time thereafter, for the most Sum and Sums of money the Said Commissioners can get, for the greater Increase of the Said Excise granted by the Said Act, Publick Notice Shall be first given of the Time and place where Such Farming is appointed to be made BY fixing Advertisements thereof, in the most Publick Places in every respective City, County, Town, Mannor and Precinct, Ten Days before the time the same is to be Farmed as aforesaid. And the Said Commissioners are hereby required to take good and Sufficient Securitys by Recognizances from all and every Person or Persons, that Shall Farm the Same, as aforesaid, Conditioned that they pay the Same every half Year, by Equal and even Payments into the hands of the respective Commissioners, that Shall let the Same, who are hereby appointed to receive the Same, and in Six Months after the Excise Shall be Farmed, to give the Treasurer of this Colony, a true Acc't of the Sum and Sums it has been Farmed for According to the Intent of this Act.

BE it further Enacted by the Same Authority that if any Person or Persons residing within this Province Shall presume

to Sell any Strong Liquors by retail to any Person or Persons whatsoever whether upon Land or water, without first agreeing for said Excise with the Said Commissioner or Commissioners appointed by this Act in the Several Cities and Counties, Such Person or Persons so offending Contrary to this present Act, Shall forfeit all Such Strong Liquors, as Shall be found in his her or their Houses Store Houses, Cellars or in any other place, and three times the Value thereof, and five pounds Current money of this Province for each offence, To be recovered before any one of his Majesties Justices of the peace where Such offender doth reside within this Province, who is Impowered To hear and Determine the Same, upon the oath of one or more Credible WITNESS or Witnesses and Award Judgment Acordingly, and if any Such Offender or offenders Shall Deny, refuse, neglect or Delay To pay and Satisfy the Same, then it Shall and may be Lawfull by Virtue of a warrant under the hand and Seal of any of the Justices, for the Said Cities and Counties, who by Vertue of this Act are required and Authorised to Grant and Issue forth Such Warrant, To the Next Constable to Levy the Same by Distress and Sale of Such person or Persons Goods and Chattles, returning the overplus If any be, to the owner or owners thereof, the Sum Assessed and Charges of Distress and Sale being first Deducted, the One half to his Majesty his Heirs and Successors To be paid to the Treasurer of this Colony for the time being for and to be Imploy'd towards the Support of this Government, and the other half to the Person that will Sue for the Same.

BE it further Enacted by the Same Authority, That if any person or Persons within this Province that Shall from and after the publication of this Act, Sell any Strong Liquor to any Indian or Indians without being first duly Lycensed and agreed with the Commissioner or Commissioners of the Excise and Shall thereof be Accused by the Information of any Indian or Indians before any one of the Justices of the peace in the Cities and Counties where the person or persons offending Shall dwell or reside, Shall be Lyable to pay the penalty Mentioned in this Act, if Such Offender refuse to take his, her or their Oaths, That he She or they have not Sold any Strong Liquors To Such Indian or Indians Directly or Indirectly.

AND be it further Enacted by the Authority aforesaid, That the Said Commissioners, are respectively hereby required and Impowered to Sue all and every Such retailer and retailers, there Surety and Suretys, that Shall not Duely pay the Sum and Sums

of money, he She, or they have agreed to pay for the Excise aforesaid, at the time and times in their Several Recognizances mentioned and Expressed, before any Three of His Matys Justices of the Peace, one whereof, to be of the Quorum of the City and County where Such retailer or retailers do reside, who are hereby required, Authorized and Impowered to make out Process against Such retailer, to hear, and finally Determine the Same, and Award Execution upon his, her or their Recognizance or Recognizances against the Goods and Chattles, Lands and Tenements of the Said retailer and Retailers, His, her, or their Surety or Sureties, any Law Usage or Custom to the Contrary hereof in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Said Commissioners and every of them, do enter into Bond or Recognizance to His Majesty, his Heirs or Successors, at or before the fifteenth Day of November next, with Sufficient Sureties to be approved of, by any two of his Majestys Justices of the peace, in any of the respective Cities and Counties within this Colony, where the Said Commissioners, do Inhabit and for which they are appointed Commissioners, in the Sums hereafter Mentioned, that is to Say,

FOR the City and County of New York the Sum of Twelve hundred Pounds.

FOR the City and County of Albany the Sum of three hundred pounds

FOR the County of Ulster the Sum of Sixty pounds.

FOR Dutches County the Sum of Twenty pounds.

FOR Orange County the Sum of Twenty pounds.

FOR West Chester County the Sum of Sixty Pounds.

FOR the County of Richmond the Sum of Sixty Pounds.

FOR Kings County the Sum of one hundred and Fifty pounds

FOR Queens County the Sum of one hundred and Fifty pounds.

And for Suffolk County the Sum of one hundred and Fifty Pounds, with Condition that they pay every half Year by even and equal payments, into the hands of the Treasurer of this Colony for the time being who, is hereby appointed to receive the Same, all Such Sum and Sums of money as they Shall have respectively received for the Excise aforesaid, within thirty Days after the Same is Come respectively to their or any of their hands, together with an Exact Account of what is not by them received, and for which they have put the Recognizance in Suit if any there be which when recovered, they are forthwith to pay into the Said Treasurer in manner aforesaid.

And be it further Enacted by the Authority aforesaid, That the Said Commissioners and every of them Shall and may retain in his and their hands out of the money arising by the Said Duty of Excise for their trouble and Service the Sum of Ten pr Cent.

AND be it further Enacted by the Authority aforesaid, That if any of the Respective Commissioners appointed by this Act, Shall Dye, Deny or Refuse to Serve, then it Shall and may be Lawfull for the Mayor and Aldermen within the Cities and Counties of New York and Albany, & the Justices of the Peace in the Several Counties with in this Colony, or the Major part of them, under their hands and Seals, to appoint other Commissioners, in their Stead and the Commissioners so appointed, Shall have the Same power and Authority as the Commissioners herein before appointed, untill the Governour Council and Assembly Shall either Confirm them or appoint others.

AND be it further Enacted by the Authority aforesaid that if any of the Commissioners appointed by this Act Shall retail Liquors or keep Publick House they Shall first agree with the Justices of the peace of that County where they Reside, or with the Major part of them, and if any Such Commissioners do Presume to retail without Such agreement, they Shall be Lyable to the Same pains and Penalties as others are, that retail without agreeing with the Commissioners Appointed by this Act, any thing Contained therein to the Contrary notwithstanding.

[CHAPTER 427.]

[Chapter 427, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 213.]

An Act for Raising the Sum of five hundred Pounds to Encourage and promote a Trade with ye Remote Nations of Indians, and for Securing the five Nations in his Matys Interest, as also ye Sum of three hundred & Twenty Pounds three shillings & two pence farthing advanced by the Severall Persons therein Nam'd for Repairing the Fortifications on the Frontiers.

[Passed, November 1, 1722.]

WHEREAS the Drawing of the far and more remote Nations of Indians to Trade directly with the Inhabitants of this Colony, would prove of great advantage to the Same, if it could be Effected; and it

being also Necessary to make Provision for the Defence and Security of the Frontier of this Colony and for Securing the five Nations in his Majesties Interest. And Whereas the Several Persons hereinafter Named have advanced and Disbursed, upon the Credit of Sundry Resolves of the Generall Assembly, Divers Sums of money, for Workmanship and Materials in repairing the Fortifications on the Said Frontiers the wholl amounting to the Sum of Three HUNDRED Twenty pounds three Shillings, and two pence farthing, and it being highly Reasonable Such Persons Should receive Payment and Satisfaction for what has been so advanced & Disbursed by them Respectively.

BE it therefore Enacted by his Excellency the Governour Council and the General Assembly, and it is hereby Enacted by the Authority of the Same. That there be laid assessed, raised and Levied, to and for the uses and purposes aforesaid, upon the Estates, Real and Personal, of all and every the Inhabitants, Residents, Sojourners and Freeholders of & in this Colony, and pay'd unto the Treasurer thereof for the time being, in Bills of Credit made Current in this Colony, or in Lyon Dollars to the Value thereof, the Sum of Eight hundred and Twenty Pounds three Shillings & Two pence farthing, in the Proportions and manner following, That is to Say,

FOR the City and County of New York, One hundred & Sixty pounds Three Shillings and Two pence farthing.

FOR the City and County of Albany, one hundred and Fifty pounds.

FOR King's County, Sixty five Pounds.

FOR Queens County, one hundred and fifteen pounds.

FOR the County of Suffolk, one hundred and fifteen pounds.

FOR the County of Richmond, fifty Pounds.

FOR West Chester County, Sixty Pounds.

FOR Ulster County Seventy Pounds.

FOR Dutches County, Seventeen Pounds Ten Shillings.

FOR Orange County Seventeen Pounds Ten Shillings.

AND be it further Enacted by the Authority aforesaid, That for the better Assessing, Raising, Collecting, and Receiving the Said Sum of Eight hundred and Twenty Pounds three Shillings and two pence farthing, the Mayors & Aldermen of the City of New York and Albany, and the Justices of the Peace or the Major part of them for the time being Shall and doe for their Several and Respective Citys & Countys within this Colony meet and Assemble together on or before the Second Tuesday in the month of Decem-

ber next Ensuing, after the Publication hereof at the Court House of the Said Respective Cities and Countys, or Such other Place or Places as they respectively Shall agree among themselves, and then and there Order the Assessors and Collectors Elected for the Severall and Respective Citys, Towns, Mannors, Libertys and Precincts within their Severall Jurisdictions, for the Assessing and Collecting of the Publicque rates for Defraying of the Publick and Necessary Charges of each respective City and County aforesaid, who are hereby appointed and Directed to be Assessors & Collectors for the Assessing and Collecting the Said Sum of Eight hundred & Twenty pounds three Shillings and two pence farthing, according to the Proportions before Expressed, in like manner as the same Publicque Rates are usually laid Assessed and Collected, and the Said Several and Respective Assessors and Collectors are hereby Vested with full power and Authority for that purpose, and required to Discharge their Severall Dutys therein according to the true Intent and meaning of this Act and at or before the respective times therein Mentioned.

AND be it further Enacted by the Authority aforesaid, That in Case any Mannor, Town, Liberty, Precinct or Island within the Respective Countys, doe or Shall refuse, Neglect or Omitt, or not annually Elect and Chuse Assessors or Collectrs whereby the Intent of this Act may be Eluded, That then and in Such Case the Justices of the Peace for the County or Countys where Such refusal, Neglect or Omission has happened, are hereby authorized and Impowered and required to nominate and appoint Assessors and Collectors for Such Mannors, Towns, Libertys Precincts and Islands, which Assessors and Collectors Shall to all Intents and purposes observe the Directions of this Act, as fully in all respects as any other Assessors or Collectors are by this Act Obliged and required to doe.

AND be it further Enacted by the Authority aforesaid, That the Said Mayors, Aldermen and Justices of the Peace or the Major part of them for the respective Cities and Counties, have and Shall have full Power and Authority by Virute of this Act, and are required, any two or more of them or each of them by himself to administer an Oath to the Said Assessors and every of them, That they Shall and will, well Truly, Equally, Impartially and in due proportion According to the best of their knowledge and understanding Assess and Rate the Inhabitants Sojourners Residents and Freeholders of the respective places, for which they are Chosen Assessors

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons who Shall be Chosen Assessors or Collectors in manner aforesaid, Shall Deny, Neglect, or unequally and Partially, Assess or refuse to make Such Assessment as by this Act is required, or Shall Deny neglect or refuse to Collect any Sum or Sums OF Money in form before mentioned, Laid, Tax'd and Assessed, and thereof be Convicted before any two Justices of the Peace of the Cities and Counties where Such Offender Shall dwell or reside (who are hereby required and Impowered to hear and Determine the Same) Shall by Warrant under the hands and Seals of Such two Justices of the Peace be Comitted to the Comon Goal there to remain without Bail or Mainprize, till he and they Shall make Fine and Ransom for Such Contempt as aforesaid. And if any Person or Persons within this Colony who Shall refuse neglect or Delay to pay the Several Sum and Sums of money appointed by this Act and Assessed in Manner aforesaid for Such Person or Persons to pay upon Demand, made by the Collector of the Place, where Such Person or Persons Shall Dwell or reside, it Shall and may be Lawfull to and for Such Collector for non payment thereof, to Distrain Such Person or Persons, so refusing delaying or neglecting, by his and their Goods and Chattles, and the Distress so taken to keep, the Space of four Days at the Costs and Charges of the owners thereof, and if the owners do not pay the Said Sum and Sums of money so distrained for, within the Said four Days, then the Said Distress to be Publickly Sold by the Said Collector for the paym't of the Said money and the overplus coming by the Said Sale (if any there be) over and above the Charges of taking keeping and Selling the Said Distress, to be Immediately restored to the owner thereof.

AND also be it Enacted by the Authority aforesaid, That if any Mayor Alderman or Justices of the Peace within this Colony, who are hereby required Impowered and Authorized to take effectual care, that this Act be duely Executed according to the true Intent and meaning thereof, Shall Deny refuse neglect or Delay to do perform AND Execute all or any of the Powers, Duties and Authoritys, by this Act required of his or them to be done, & Shall thereof be Lawfully Convict before any of his Majesties Courts of Records within this Colony, he or they Shall Suffer Such pains by Fines and Imprisonment as by the Discretion of the Justices of the Said Courts shall be adjudged.

AND be it further Enacted by the Authority aforesaid, That the Several Collectors herein before mentioned Shall pay in the Severall

Sums of money by them, by Virtue of this Act to be Collected and Levyed, to the Said Treasurer on or before the Twenty fifth Day of March next ensuing, and that it Shall and may be Lawfull for the Said Severall Collectors to retain in their hands Respectively nine pence in the pound for all Such Sum and Sums of money as they and every of them Shall Severally Collect and pay in manner aforesaid.

AND, be it further Enacted by the Authority aforesaid, That the said Treasurer on the payment to him of the respective Sums of money Collected & Levyed by the Severall Collectors Shall give them receipts Gratis, for Such Sum or Sums of money as Shall by them, or any of them be paid unto him, which receipt Shall be to the Severall Collectors aforesaid, a good Sufficient acquittance and Discharge in the Law for so much as in the Same Shall be mentioned to be received.

AND be it further Enacted by the Authority aforesaid, That in every respective City and County, according to their and every of their Severall & Respective Quotas aforesaid, there Shall be raised over and above the Sum of Eight hundred & Twenty POUNDS three Shillings & two pence farthing after the rate of Nine pence on the Pound for collecting and paying, and one Shilling in the Pound to the Treasurer for receiving and paying the Same as aforesaid.

AND be it further Enacted by the Authority aforesaid, That the Said Treasurer Shall Dispose and pay for and towards the uses and purposes herein before mentioned, out of the aforesaid Sum of Eight hundred and Twenty pounds three Shillings and Two pence farthing, so by him to be received, the Sum of five hundred pounds by warrants under the hand and Seal of his Excellency the Governour in Council, and by no other mandate or order whatever, and that the remaining part of the Said first mentioned sum being Three hundred and twenty pounds, three Shillings and two pence farthing, Shall be paid in discharge and payment of what has been so as aforesaid advanced and Disbursed for workmanship and materials in repairing the Forts and Fortifications on the Frontiers of this Colony, unto the Several Persons hereunder mentioned or to their Executors, Administrators or Assigns, whose receipts respectively, Shall be a Sufficient acquittance and Discharge to the Treasurer for the Severall Sums allowed to each of the Said Persons in this Act, That is to Say,

TO William Groesbeck and William Barratt for repairing the Fort at Albany the Sum of Twenty one Pounds.

TO Peter Van Brugh and Phillip Livingston Esqrs. for further repairing of the Said Fort the Sum of Fifty one pounds, three Shillings and five pence farthing.

TO Johannes Sanderse Glen, Adam Vroman Carel Hansen & John Wemp Esqrs for repairing the Fort at Schenectady the Sum of Ninety Six Pounds, thirteen Shillings & Nine pence.

TO Captain John Scot for repairing Fort Hunter the Sum of Seventy Nine Pounds and Eleven Shillings.

AND to John Wemp, Hendrick Vroman, Daniel Danielse, and others for the further repairing of the Said Fort the Sum of Seventy one Pounds and fifteen Shillings.

AND be it further Enacted by the Same Authority, That the Said Treasurer Shall keep a true and Exact account of all Such Sum and Sums of money as Shall be so by him received and paid, and Such Account give and render at all times, when required, to the Governour Council and Assembly for the time being, And whereas there are a considerable number of Palatines inhabiting a Certain Tract of Land in the County of Albany called Skohare, who (as it is represented) have hitherto been Exempted from paying any Taxes or other Publick dues for the Support of the Government, and have also refused and Neglected to Chose Assessors, Collectors and Constables, notwithstanding they were thereunto required by the Magistrates of Albany, Be it therefore Enacted by the Authority aforesaid, that in Case the Said Palatines Shall not Chose & Elect, Assessors, Collectors and Constables out of the People Inhabiting the Said Tract of Land called Skohare on or before the Twenty fifth Day of November next, it Shall and may be Lawfull for the Mayor Recorder and Aldermen of the City of Albany or the Major part of them to appoint Assessors, Collectors and Constables out of Some of the Said Inhabitants before the first Tuesday of December next to the End those Inhabitants may be assessed and pay Such Taxes in Proportion to their Abilities as other his Majesties Subjects are lyable to, in the Said City and County, and if the Persons so nominated by the Mayor, Recorder and Aldermen or the Major part of them AS aforesaid doe neglect or refuse to perform the Service Injoynd them as aforesaid, and be Lawfully Convict thereof before the Mayor, Recorder and Aldermen or any two of them (who are hereby Required and Impowered to hear and Determine the Same Shall by Warrant under the hands and Seals of the Mayor or

Recorder or Alderman or any two of them be Committed to the Common Goal, there to remain without Bail or mainprize, until he or they Shall make fine and ransom for such Contempt as aforesaid.

[CHAPTER 428.]

[Chapter 428, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for paying Gerrit Van Horne
Jacobus Kip David Provoost and Johannes Jan-
sen Esq'rs. for Serving in General Assembly

[Passed, November 1, 1722.]

WHEREAS the said Gerrit Van Horne Jacobus Kip David Provoost and Johannes Jansen have served in General Assembly as Representatives for the City and County of New York and have not received any Reward for a Considerable part of the time in which they have served.

Be it therefore Enacted by his Excellency the Governour Council and General Assembly and by the Authority of the Same, That the Mayor Recorder Aldermen and Commonalty of the said City are hereby Directed and required on or before the first Tuesday in January in this Present Year of our Lord One Thousand Seven hundred and Twenty two to meet at the City Hall of the said City and there Order the raising on the Inhabitants Residents and Sojourners of and in the said City and County the Sum of Six Shillings Current mony for every Day it shall appear by Certificate Signed by the Speaker of the General Assembly for the time being for paying and Sattisfying the said Gerrit Van Horne, Jacobus Kip David Provoost and Johannes Jansen or their Assigns Respectively for the said Service Provided the Days Wages of the Said Members do not Exceed the Sum of two hundred and Eighty Seven pounds Eight Shillings and over and above for Collecting of Said money to every Collector that shall Collect the Same the Sum of Nine pence in the pound and to the City Treasurer for receiving and paying the same the Sum of one Shilling in the pound and that pursuant to the order of the Mayor Recorder Aldermen and Commonalty for the time being to be made as aforesaid a Warrant or Warrants Signed by the Mayor Shall be Issued to the assessors and Collectors of each respective ward Within the said City and County requiring them to make Such Assessment and Collection and pay the same to the Treasurer of the said City for the time being at such Convenient time as Shall be agreed on by the said Mayor Recorder and Commonalty So that the said Sum of Six Shillings for every Days Service as aforesaid Shall

by the Treasurer of the said City for the time being be paid to the said Gerrit Van Horne Jacobus Kip David Provoost and Johannes Jansen or their Assigns for the said Service on or before the first Tuesday in March which shall be in the present Year of our Lord One Thousand Seven hundred & Twenty two.

And be it further Enacted by the Authority aforesaid that if any Person or Persons Shall Neglect or refuse to pay any Sum or Sums of money which he She or they Shall be assessed by Virtue of this Act that it shall and may be Lawfull for the Collector or Colletcors thereof to Levy the same by Distress and Sale of his her or their Goods and Chattles with reasonable Charges for Distraining Restoring the overplus if any be.

And be it further Enacted by the authority aforesaid that if the Mayor or Recorder Aldermen and Commonalty of the said City or any of the Assessors or Collectors aforesaid who are hereby required Impowered and Authorized to take effectual Care that this Act be duely Executed according to the true Intent and meaning thereof and if any of them shall deny refuse Neglect or Delay to perform and Execute all or any of the Powers Dutys and Authoritys in this Act required to be done and performed and shall thereof be Lawfully Convicted in any Court of Record in this Colony he or they so denying refusing or Delaying to Perform the Dutys aforesaid Shall Suffer such pains by Fines and Imprisonments as by the Direction of the Justices of the said Courts shall be adjudged, To be Sued and recovered by the said Gerrit Van Horne Jacobus Kip David Provoost and Johannes Jansen or any of them in any Court of Record within this Province.

And be it further Enacted by the Authority aforesaid that every of the above named Gerrit Van Horne Jacobus Kip David Provoost and Johannes Jansen whatever Shall be allowed them pursuant to the Directions of this Act and by them received of the City Treasurer their and every of their Receipt to the said Treasurer Shall be a Sufficient Discharge to him for the same.

[CHAPTER 429.]

[Chapter 429. of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 317.]

An Act for the Payment of the Representatives of the City and County of Albany

[Passed, November 1, 1722.]

Whereas by An Act of the Generall Assembly of this Colony made in the Fourth year of her Late Majesties Reign Entituled An

Act for defraying the Comon and necessary charges of the mannor of Renselaarswyk in the County of Albany It was amongst other things Enacted that the wages paid to their Representative shall be the Sum of Tenn Shillings for each Day of their Service in the Generall Assembly of this Colony AND WHEREAS the Supervisors of the said City and County have of Late been unwilling to allow the Said wages to the Representatives of the Said City and County but instead thereof have only allow'd and rais'd the sum of six shillings P. Diem Bee it therefore Enacted by his Excellency the Governor and Councill and Generall Assembly and it is hereby Enacted by the Authority of the same That the supervisors of the said City and County are hereby directed to allow and Raise for all and every the present Representatives of the Said City and County Respectively so much of the said wages of Tenn shillings P. Diem for their Respective Service in the Generall Assembly of this Colony According to their Respective Certificates dated the Twenty Seventh day of July in the year of Our Lord One Thousand Seven Hundred and Twenty One Containing Eighty Two days Journey days excepted as hath been by the said supervisors neglected to be raised to make up the Sum of Ten shillings P. Diem for each of the said Representatives of the said City & County. And the supervisors of the Said City & County for the Time being shall from time to time allow the Sum of Ten Shillings P Diem for each Representative in the Said City and County for So many days as the Certificates thereof shall Respectively Express with their Journey days not Exceeding Eight days for coming and the like for going And if any Supervisor or Supervisors shall at any time or times hereafter refuse or neglect to put this Act in Execution so farre forth as it shall concerne the said Supervisors or any of them so that the money appearing due by the said Certificates and Journey days to be produced to them in manner aforesaid bee not raised on or before the First Tuesday in the Moneth of February yearly and every year hereafter every Such Supervisor shall for every Such offence forfeit the Sum of Fivety Pounds Lawfull money of this Colony to be recovered by any person injured wronged or delayed that shall Sue and prosecute to Effect for the Same in any Court of Record within the Said City and County any Law usage or Custom to the Contrary hereof in any ways notwithstanding Provided that this Act nor any clause therein contained shall be Construed to oblige the Freeholders and Inhabitants of the mannour of Renselaarswyk Township of Schanegtade and the mannour of

Livingston or any of them to pay any other Representative than such Representative as shall be chosen to serve for the Said manour of Renselaarswyk Township of Schanegtade and mannour of Livingston Respectively And bee it further Enacted by the authority aforesaid that the Supervisor or Supervisors for the Town of Schanegtade in the Said County of Albany bee and are hereby directed at their next meeting to take effectuall care that the Arrears due to their Representatives in Generall Assembly bee duly paid and Satisfied.

[CHAPTER 430.]

[Chapter 430, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Livingston & Smith and Van Schaack state that this act was confirmed April 30, 1724.]

An Act to Enable Trustees therein Named to take Sell and Dispose of Certain Lots of Land the Estate of Gilbert Livingston in the City of New York for the payment of a Certain Bond given and Debt Due to his Majesty on the Said Gilbert Livingston his Contract for farming the Excise of this Province

[Passed, November 1, 1722.]

WHEREAS by a former act of Generall Assembly passed the last Session Entituled an Act to Empower Gilbert Livingston to Sell and Dispose of Certain Lots of Land Scituate lying and being in the City of New York the Said Livingston was Empowered to Sell and Dispose of the Same, for the purposes therein Mentioned, being Granted at the prayer and Petition of Said Livingston and Cornelia his Wife, yet notwithstanding many Scruples having been Raised Concerning the power of Said Act and it appearing Doubtful to Persons inclined to purchase Said Lots whether Said Livingston was by Said Act Empowered to make a Sufficient Title in Law to Said Lots unless Said Contract for the Excise was Completed and Discharged by the moneys arising on Sale of the Same they having no Sufficient Security for the application of Such money (to the purpose intended) as Should arise from time to time by the Several Sales THERE of, as also that Said Act was not returned with the Royall Assent by means of which Doubts and Scruples Said Lots altho' Exposed to Sale and bid for at publick Vendue doe Still remain by the bidders for the Same unac-

cepted and refused, altho' proper Conveyances and tender thereof hath been to them made and the Said Debt to his Majestie unsatisfied.

BE it therefore Enacted by his Excellency the Governour Council and Generall Assembly and it is Enacted by the Authority of the Same, that Francis Harrison Esq'r Coll. Jacob Rutsen, Samuel Gerretsen Es'r, Doctor John Nicholls and Robert Livingston Jun'r Attourney at Law, are by Virtue of this present Act and the Severall Clauses therein Contained, Seized and possessed of and in Trust for the Said Gilbert Livingston his Heirs Executors and Administrators Said Certain Lots of Land Scituate lying and being In the City of New York & butted and bounded as is fully and at Large described in the Said Act of General Assembly, as also other four Lots Scituate lying and being in the City of New York, two whereof are fronting unto Queens Street, and other two, Fronting unto Van Cleves Street, all as they now lay together in one fence or enclosure, knowne and Commonly Called by the Name of the Said Gilbert Livingston his Garden for and to the purposes herein after mentioned, and the Persons so by this Act Nominated and appointed or any Number not Less then three of them are hereby fully Authorized and Empowered at any time and in Such manner as they or any three of them, Shall think best forthwith after his Majestys Royall APPROBATION of this Act (if it so please his Majesty to approve the Same) Shall arrive, to Sell and Dispose of the Said Eleven lots in Said Act Mentioned as also the four Lots above described, and known by the name of Said Livingstons Garden, and to receive the purchase money to be paid for all or any of them and likewise to give full and Lawfull discharges for the Same purchase money, and to make good and Sufficient Titles in Law with Lawfull Deeds and Conveyances, for all or any of Said Lotts afore mentioned as Shall be by them sold and Disposed of, and Such Titles, Deeds and Conveyances, as Shall be so made by the Persons hereby appointed to make the Same or any three of them, Shall be Good and Effectual in Law to the purchasors of Said Lots to all Intents Constructions and purposes, as if the Act of General Assembly above mentioned had never been had or made any thing to the Contrary hereof in Said Act contained in any wise notwithstanding and Said Titles, Deeds and Conveyances of Said Lots so made as above Said, Shall for ever be and remain in full force and Virtue against the said Gilbert Livingston and Cornelia his Wife, their Heirs Executors administrators and Assigns or any Person Claiming by from or under them or either of them or any

Person Claiming by from or under Coll. Henry Beekman, late of Ulster County Deceased his Heirs Executors administrators or Assigns.

AND be it further Enacted that upon Sale of any or all of Said fifteen lots in this Act mentioned by the Persons in this Act or any three of them AUTHORIZED and appointed to Sell the Same, all moneys or Sum and Summs of money by Said Sale arising Shall in Ten days after the payment of Such money into their the Trustees hands, be punctually and duely paid to the Treasurer of this Province for the time being (they reserving in their own hands Sufficient only to pay the Charges of Sale and the necessary writting thereon) until Such time as the Said Gilbert Livingston his Contract for farming the Excize of this Province be fully Compleated and Satisfied and the Treasurer his receipt for any Such Summ or Sums of money by the Persons or any three of them, so as before Authorized and appointed, paid Expressing that the Same was paid by them the Said Trustees for the use of his Majesty, and in and towards the Discharge of the Said Gilbert Livingston his Contract for the farm of the Excize Shall fully acquitt discharge and Defend the Persons or any three of them so as aforesaid appointed and paying the Same, for all Such Sum or Sums of money so paid unto the Treasurer as aforesaid, from all and all manner of actions plaints Suits and Demands whatsoever that may hereafter be made commenced or put in Suit against them or any of them, so paying and taking Such Treasurers receipts by the Said Gilbert Livingston and Cornelia his Wife or either of them, his her or either of their Heirs Executors Administrators or Assigns or any other Person whatsoever, and if after the Sale of all or part of Said Lotts there be in the hands of the Trustees a greater Sum, then will Satisfy the Said Livingston his Contract for the Excise, then the over plus Shall be by the Said Trustees paid to the Said LIVINGSTON his Heirs Executors Administrators or Assigns whose receipt Shall be a Sufficient discharge to Such Trustees for the Same.

AND Whereas in Consideration of Said Gilbert Livingston his great Losses by Said Farm of Excise it was by one other Act of last Sessions of Generall Assembly of this Province Entituled an Act for remitting and Exempting Gilbert Livingston from paying the Sum of three hundred Pounds, Due from him for the Excize on Strong Liquors farmed by him, Enacted and provided that if within a time there by limited the Said Gilbert Livingston Should pay unto the Treasurer of this Province the Sum of Eight hundred

Pounds in Lieu of Eleven hundred pounds due from him Said Livingston, That then Said Livingston his Bond with Sureties Should be Deemed and Esteemed to be fully Satisfied and paid.

Be it Enacted and it is enacted by the Authority aforesaid, that if by the Sale of the Said Lots in manner and form before Expressed, the Said Trustees Shall be able to raise any pay to the Treasurer of this Province for the time being, for and to the purposes before Specified, the Sum of Eight Hundred Pounds Current money of this Province within Eighteen Months after the Publication of this Act, that then the Said Gilbert Livingston and his Sureties, their heirs Executors and Administrators of and from his and their Bond to his Majesty for his the Said Livingston and their performance of the Said Livingston his Contract for the Excize between the years Seventeen hundred Eighteen and Seventeen hundred Nineteen Shall become and be fully acquitted and discharged in like MANNER and as amply and fully as if the Sum of Eleven hundred Pounds had been thereon fully Satisfied and paid, and the Treasurer is hereby required to take notice of the Same.

PROVIDED always that unless this Act Shall receive his Majestys Royal Approbation and the Same be returned and Signified to his Excellency the Governour here in Such manner as is in like Cases usual within Eighteen Months, from and after the Publication of this Act, that then said Livingston Shall not receive any benefit or advantage for or by any thing or matter in this Act Contained, But that he the Said Livingston and his Surties Shall (in Such Case) Stand and remain Bound by their Bond Obligatory for the aforesaid Contract as fully and Firmly in all respects as if this Act had not pas't any thing therein to the Contrary hereof in any wise notwithstanding.

[CHAPTER 431.]

[Chapter 431, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 212. The bills of credit referred to were issued pursuant to chapter 292.]

An Act for raising the Quantity of Three Thousand ounces of Plate for the Effectual Sinking and Cancelling Bills of Credit to that Value.

[Passed, November 1, 1722.]

WHEREAS by an Act of the Generall Assembly of this Colony pass'd in the Seventh year of his Majesty Reign Entituled an Act

for Continuing the Currency of Bills of Credit to the Value of Six Thousand ounces of Plate for and during the time therein mentioned, It was among other things Enacted That Bills of Credit to the Value of three Thousand ounces of Plate, part of the before mentioned Bills, being appointed and directed by an other Act of the Generall Assembly pass'd in the year one Thousand Seven hundred and fifteen, Entituled an Act for a Supply to be granted to his Majesty for Supporting his Governm't in the Province of New York, and for Striking Bills of Credit for that purpose, to be Sunk and Distroyed the first Day of July in the year one Thousand Seven hundred and Twenty, Should be Continued to be Current until the first day of July in the year one Thousand Seven hundred and Twenty one And Whereas by the Deficiency of the Funds whereby the aforesaid Bills of Credit were Intended and Expected to be Sunk, makes the Colony as UNABLE as ever to Sink the Same by that means, and it being highly reasonable, for Supporting and keeping up the Credit and reputation of the Bills of Credit Struck and Issued, from time to time by this Colony, That the aforementioned three Thousand Ounces of Plate directed and appointed to be Sunk on the Said first Day of July, in the year one Thousand Seven hundred and Twenty one, as aforesaid, Should be Sunk and Cancelled by Some other Effectual ways and means. Be it therefore Enacted by his Excellency the Governour Councill and Generall Assembly, and it is hereby Enacted by the Authority of the Same, That there be Lay'd assessed Raised and Levyed upon the Estates real and Personal of all and every the Inhabitants Residents Sojourners and Frceholders of and in this Colony, and paid to the Treasurer therefore for the time being, in sevill Pillar or Mexico Plate, or in Bills of Credit made Current in this Colony, or in Lyon Dollars to the Value thereof, The quantity of Three Thousand ounces of Plate, for the Effectual Sinking and Cancelling the beforementioned Bills of Credit in the manner and proportions following, That is to Say.

FOR the City and County of New York, Six hundred ounces of Plate Aforesaid.

FOR the City and County of Albany Five hundred and Fifty ounces.

FOR Kings County Two hundred thirty Seaven ounces and a half.

FOR Queens County Four hundred Thirty Seven ounces and a half:

FOR Suffolk County, Four hundred Thirty Seaven ounces & a half.

FOR Richmond County, one hundred and Sixty ounces.

FOR Ulster County, Two hundred thirty Seven Ounces and a half

FOR West Chester County, Two hundred and Twenty five ounces.

FOR Orange County, Fifty Seven ounces and a half.

FOR Dutchess County, Fifty Seven ounces and a half.

AND for the Effectual attaining the Ends and purposes meant and Intended by this Act. Be it further Enacted by the Authority aforesaid, That the Mayors and Aldermen of the Cittys of New York and Albany, and the Justices of the Peace of every County in this Colony, or the Major part of them, Shall (for the purposes aforesaid) Severally and respectively have, and hereby are Vested with, all and Singular the Powers and Authoritys given unto them respectively in & by an Act of the Generall Assembly of this Colony pass'd in the year one Thousand Seven hundred and Twenty one, Entituled an Act for Raising the Sum of five hundred Pounds for Securing the Indians in his Majestys Interest, as fully Largely and amply to all Intents Constructions and purposes, as if every article and Clause giving Such Powers and Authorities was particularly Incerted in the Body of this Act, so nevertheless, as that they Severally and respectively meet and Issue their orders or warrants to the Several Assessors and Collectors, which are Elected to Assess and Collect the County Rates, for Laying, Assessing receiving and Collecting, the before mentioned Quantity OF Three Thousand ounces of Plate, on or before the Second Tuesday, in the Month of Aprill next after the Publication hereof.

AND for the Effectual Assessing and Collecting the aforesaid Quantity of Plate, according to the before mentioned Proportion. Be it further Enacted by the Authority aforesaid that all and every the Severall Assessors and Collectors annually Elected and Chosen In the Said Citys of New York and Albany, and the Assessors and Collectors Elected and Chosen in the Severall Towns, Mannors Libertys and Precincts, throughout this Colony, and for want of Such Election, those that Shall be appointed by the Justices of the Peace, Shall have all and Singular the Powers and Authoritys that are given to and vested in, Assessors and Collectors in and by the before mentioned, Act Entituled, an Act for Raising the Sum of five hundred Pounds, for Securing the Indians in his Majestys Interest, in as full and Ample Manner, to all Intents Constructions and purposes, as if all the said Powers and Authoritys, and every Article and Clause Relating thereto, were particularly and at Large Incerted in the Body of this Act, so nevertheless, as that all the

aforesaid Collectors Shall Collect and pay in unto the Treasurer of this Colony for the time being, the Several and respective Sums so by them and every of them to be Collected on or before the Second Tuesday in the Month of June next ensuing.

AND to the End, the true Intent and purposes of this Act may not be Frustrated or eluded by the omission, neglect, Refusal or Delay, of the Said mayors and Aldermen, and the Justices of the Peace, or the Assessors and Collectors THROUGHOUT this Colony, Be it further Enacted by the Authority aforesaid That Such Mayors and Aldermen, Justices of the Peace, Assessors or Collectors as Shall be Guilty of Such Omission Neglect, Refusal or Delay, Shall and hereby are made Subject and Lyable to all the fines and Penalties Such Defaulters were Subject and Lyable to, in and by the aforementioned Act, Entituled an Act for raising the Sum of five hundred Pounds, for Securing the Indians in his Majestys Interest, and the Same Shall and may be Inflicted recovered and applyed in the Same manner and Method as in and by the Said Act is Directed, as Effectually to all Intents Constructions and purposes as if the Same had been particularly and at Large Enacted in this Act.

AND to the End the Entire and Compleat Quantity of three Thousand Ounces of Plate, in Bills of Credit made Current in this Colony may be Effectually Sunk as aforesaid. Be it Enacted by the Aforesaid Authority That over and above the said Sum there Shall be raised Levyed and Collected in every City and County of this Colony, according to their and every of their Respective Quota's herein before mentioned for the Charge and Expence in Collecting and Sinking the Same, the two following Quantities of Plate more. That is to Say, Three and Three quarters per Cent or nine pence in the Pound for the Severall Collectors for receiving and paying the Same and two and a half per Cent or Six pence in the Pound for the Treasurer for the Severall Dutys and Services by this Act required, to be done and performed by him. And that it Shall and may be Lawfull for the Said Collectors and Treasurer to RETAIN into their hands what is hereby allowed to them respectively.

AND be it further Enacted by the Authority aforesaid, That the Said Treasurer, on the payment to him, of the Respective Sums of money Collected and Levyed by the Several Collectors, Shall give them receipts Gratis, for Such Sum or Sums as Shall by them or any of them be pay'd unto him, which receipts Shall be to the Severall Collectors aforesaid, a good and Sufficient acquittance and Discharge in the Law, for so much as in the Same Shall be mentioned to be received.

AND be it further Enacted by the Authority aforesaid, that the Said Treasurer Shall keep a true and Exact Account of all Such Sum and Sums of money as he Shall receive by Virtue of this Act, and give and render the Same at all times, to the Governour Council and Assembly, for the time being, when thereunto required.

AND to the End that Bills of Credit to the Value of three Thousand Ounces of Plate, may be Bona Fide Sunk and Destroyed out of the money to be Levy'd and raised by Virtue of this Act, and According to the True Intent and meaning thereof. Be it further Enacted by the Authority aforesaid, That the Treasurer of this Colony for the time being, as also Robert Walter, John Cruger, David Provoost Junior, and John Read (who are the Signors of the Bills, now Intended to be Sunck, and have already been paid and Satisfyed for their SERVICES done and to be done therein) Shall and hereby are Obligated and required to doe Act and perform all and Singular the Dutys and Services in and about the Sinking and Destroying the before mentioned Bills, they and every one of them, are respectively required and Directed to doe and perform in and by the before mentioned Act of the Generall Assembly, past in the Year one thousand Seven hundred and fifteen, entituled an Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York, and for Striking Bills of Credit for that purpose, as fully and Effectually in every respect as if the Same had been particularly and at Large Incerted in the Body of this Act.

[CHAPTER 432.]

[Chapter 432, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for the better Enabling Job Dusochany Eldest Son and heir of Mark Dusochany late of the County of Richmond Yoeman Deceased and other the Children of the Said Mark Dusochany to Sell Sundry peices and parcells of Land, given and Devised to them respectively in and by the Last Will and Testament of the Said Testator in Order to pay off and Discharge the Incumbrances thereupon and other the Debts of their Said Testator yet remaining unsatisfyed.

[Passed, November 1, 1722.]

WHEREAS the Said Mark Dusochany at the time of his Decease was Seized in and possessed of Divers Lands, Tenements and

hereditaments, in fee in the County of Richmond in this Province, and being Soe Seized and Possessed in and by his last Will and Testament in Writing, bearing Date the Twenty third Day of December, in the year of our Lord one Thousand Seven hundred and thirteen, among other things therein Contained, did give and bequeathed to his, Wife Jane Dusochany Since Deceased the Revenue of the one third part of all his Lands dureing her natural Life, and did give and bequeath all his Lands lying in the Said County of Richmond to and amongst his Children in manner following Vizt: To his Eldest Son, Job the Farm whereon was then Standing his Dweling House, Containing Eighty five Acres of upland and Ten Acres of Salt Meadow, and all other appertenances belonging to the SAID Farme, To his Son Israel the North Lot Fronting to the Water Side Containing Eighty five Acres of upland with Ten Acres of Salt meadow, To his Son Gabriel the South Lot Fronting to the water Side next unto the Land of John Rue, Containing Eighty five Acres of upland, with Ten Acres of Salt Meadow, To his Daughter Elizabeth Dusochaury and her Heirs a Certain Tract of Land lyeing and Fronting to a Certain Broock at the Rear of the Land of Henry Johnson Containing Eighty Acres of upland with Ten Acres of Salt meadow. To his Daughter Susanna Hendricks & her Heirs the North Lott, Joyning unto the Land last above-mentioned, Containing Eighty Acres of upland with Ten Acres of Salt Meadow, To his Daughter Mary Dusochany and to her Heirs a Certain Tract of Land Adjoyning unto the Said Land last above-mentioned, Containing Eighty Acres of upland more or less, with Ten Acres of Salt Meadow more or less, To his Daughter Dinah Dusochany and her Heirs a certain Tract of Land Adjoyning to the Northward of the Land last abovementioned, Containing Eighty Acres more or less of upland with Eight Acres more or less of Salt Meadow, To his Daughter Sarah Dusochany, and to her Heirs a Certain Tract of Land Joyning to the Northward of the Land last above mentioned, Containing Eighty Acres more or less of upland, with Eight Acres of Salt Meadow or thereabout, and did Will that the three parcells or Tracts of Land last above mentioned, Should be laid out and measured and if there were any Land left, when each of his three Daughters last above mentioned, had Eighty Acres he will, That the remainder of the Said Land Should be Equally Divided among all HIS Sons above named, And did will That none of his Children above named, Should ever Sell any of their Shares or proportions given and bequeathed unto them by him

as abovesaid, or any part thereof, But that they (viz) his Children above named Should give and Bequeath the Same unto their and every of their Children, Equally among them. But the Children of his Children or his Grand Children, might Sell and Convey their Shares or proportions, the one unto the other as they Should think fitting, but unto no other Person or Persons whatsoever forever and made his Said Wife Jane Dusochany and John Garrean his Executors and Shortly after Dyed, after whose Deceased the Said Jane Dusochany and John Garrean took upon them the Burthen of the Said Executorship, and paid the Debts of the Said Testator, as far as his personal Estate would amount to pay and Satisfy.

AND WHEREAS the Said Children of the Said Mark Dusochany Vizt: the aforesaid Job Israel and Gabriel Dusochany the Sons of the Said Testator, Peter Barberie and Elizabeth his Wife, one of the aforesaid Daughters, Daniel Hendricks and Susanna his Wife, one other of the aforesaid Daughters, Thomas Eyres and Mary his wife, one other of the aforesaid Daughters, Hendrick Brees and Dinah his Wife, one other of the Aforesaid Daughters and Sarah Dusochany the other of the Daughters of the Said Mark Dusochany by their humble Petition presented to the Generall Assembly of this Province and read Setting forth. That their Said Testator Mark Dusochany Dyed very much Indebted to Sundry Persons by Bonds and other wise, much more than his Personal Estate left by him at the time of his DECEASE would amount to pay and Satisfye, And that their Said Testator at the time of his Decease also left behind him unpaid two Bonds and two Mortgages by him made in his life time to Paul Richards late of the City of New York Merchant Deceased, upon great part of the aforesaid Lands and premises So Devised by him to the Said Petitioners in manner aforesaid, whereon as the Petitioners are Informed Still remains due upwards of Two hundred Seaventy five pounds principal money, besides Some Interest. That the Said Petitioners ever Since the Decease of their Said Testator, have laboured under very Great Straights and Difficulties, by reason of the Said Mortgage and other Debts of their Said Testator Still remaining in Arreare and unpaid, which they cannot be able to pay and Satisfye, Otherwise then by Sale of the Said Lands Soe Devised to them respectively by the will of their Said Testator, and are advised they cannot soe doe without the Aid of the Generall Assembly of this Province; the Said Lands being as they

are advised Entailed on the Said Petitioners and their Heires by Virtue of the Said Will, And the Said Petitioners praying Releife in the premises and that they may be enabled to Sell and Dispose of all and Singular the aforesaid Lands and premises soe Bequeathed to them respectively, in order to pay off and Discharge the aforesaid Incumbrances thereon due to the Estate of the Said Paul Richards Deceased, and other the Debts of their Testator Still remaining unsatisfyed, And after payment thereof, that the remainder of the moneys Arising thereby may be Equally Divided amongst the Said Petitioners.

WHEREFORE at the humble request of the Said Petitioners Be it Enacted by the Governour Councill and Generall Assembly, And it is hereby Enacted by the Authority of the Same, That all and every the Lands Tenements and hereditaments of the Said Mark Dusochany Scituate lying and being in the County of Richmond aforesaid, which he Stood Seized and possessed of in fee Simple in his life time and at the time of his Decease and by him Given and bequeathed to his Said Children respectively, in and by his last will and Testament, in manner aforesaid are and Shall be lyable to the payment of the Debts and Incumbrances of the Said Mark Dusochany yet remaining in Arrear and unpaid, and that in Order thereunto the Said Job Dusochany Israel Dusochany Gabriel Dusochany Peter Barberie and Elizabeth his Wife, Daniel Hendricks and Susanna his Wife, Thomas Eyres & Mary his Wife, Hendrick Brees and Dinah his Wife, and Sarah Dusochany or the Survivors of them are hereby Impowered and Authorized to Sell and Dispose of the Same, to the best advantage And to Sign Seal and Deliver Deeds and Conveyances thereof unto any Person or Persons whatsoever which Deeds and Conveyances made and Executed Shall be and are by Virtue of this Act a good Valid and Sufficient Title in Law and Shall forever be and remain in full force and Virtue against the Heirs or Assigns of the Said Petitioners respectively or any Person Claiming from by or under them or any of them or the Said Mark Dusochany Deceased, or his Heires to all Intents CONSTRUCTIONS and Purposes whatsoever, as fully and Amply as if the Said Mark Dusochany had Executed Deeds and Conveyances for the Same, in his life time, And the purchasers thereof are and Shall be hereby Severally and respectively Invested in and Entituled to an Estate of Freehold in fee Simple of & in all and every or any of the Said Lands, Tenements and hereditaments purchased by them by Virtue of this Act, from the

Said Job Dusochany Israël Duſochany Gabriel Dusochany Peter Barberie and Elizabeth his Wife, Daniel Hendricks and Susanna his Wife, Thomas Eyres and Mary his Wife Hendrick Brees and Dinah his Wife, and Sarah Dusochany or the Survivers of them to all Intents and purposes whatsoever in as full and Ample manner as if the Same Lands or any of them had been Sold and Disposed of by the Said Mark Dusochany in his life time according to the best and most Exact perfect and due form by the Rules of Law required to be done unto them or any of them.

AND be it further Enacted by the Authority aforesaid, That the moneys Arising by the Sale of the Said Lands, Tenements and hereditaments aforesaid Shall be accounted and Esteemed to be Assets of the Said Mark Dusochany in the hands of the Said Job Dusochany Israel Dusochany Gabriel Dusochany Peter Barberie and Elizabeth his Wife, Daniel Hendricks and Susanna his Wife, Thomas Eyres and Mary his Wife, Hendrick Brees and Dinah his Wife and Sarah Dusochany or the Survivers of them, And As Such Shall be Applied by them or the Survivers of them in the first place to the PAYMENT and Discharge of the Said Bonds and Mortgages due to the Estate of the Said Paul Richards Deceased, and the remainder of the Said Moneys to be applied by them to the payment of the Debts of the Said Mark Dusochauny yet remaining in Arrear and unsatisfyed by the Said Executors of the Said Mark Dusochany for want of Assetts of the personall Estate of the Said Testator to doe the Same, And the Said Job Dusochany Israël Dusochany Gabriel Dusochany, Peter Barberie and Elizabeth his Wife Daniel Hendrick and Susanna his Wife, Thomas Eyres and Mary his Wife Hendrick Brees and Dinah his wife, and Sarah Dusochany or the Survivors of them, Shall be accountable for their Disposition thereof, in like Manner as Executors are legally Obligated to doe, Any thing herein Contained to the Contrary thereof in any wise notwithstanding And the overplus and remainder of the Said moneys after Discharging the Said Incrumbrances and payments of the Debts of the Said Testator remaining yet in arrear and unsatisfied as aforesaid, to be Equally Divided Between them, the Said Job Dusochany Israël Dusochany Gabriel Dusochany Peter Barberie and Elizabeth his Wife, Daniel Hendricks and Susanna his Wife, Thomas Eyres and Mary his Wife, Hendrick Brees and Dinah his Wife, and Sarah Dusochany their Executors Administrators or Assigns.

[CHAPTER 433.]

[Chapter 433, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 212. See chapter 96.]

An Act to Increase the Number of Supervisors in the County of West Chester and that no Wages of Supervisors Shall be any part of the Said Countys Rate for the future

[Passed, November 1, 1722.]

Whereas in and by an Act of the Generall Assembly pass'd in the Second Year of her late Majestys Reign Entituled, an Act for the better Explaining and more Effectual puting in Execution an Act of the Generall Assembly made in the third year of the late King William and Queen Mary Entituled an Act for Defraying the Publick and Necessary Charge throughout this Province, and for Maintaining the Poor and preventing Vagabonds, It was among Severall other things Enacted, That in each respective Town within this Province the Freeholders and Inhabitants thereof Should on every first Tuesday in April annually Choose a Supervizor, and that each and every Inhabitant, being a Freeholder in any Mannor, Liberty, Jurisdiction, Precinct or out Plantation, Should have the Liberty to Joyn his or their Votes with the Next Adjacent Town in the County where Such Inhabitants Should dwell, as in and by the Said Act may more at Large appear, And whereas by that means the Inhabitants of Severall Mannors, Libertys, and Precincts, which bear and pay a Considerable Share of the County Rate, had not the Liberty of Choosing their own Supervisors & Some others who have that Liberty, bear and pay a Less proportion thereof, then the Wages & allowance of their own perticular Supervizors dos amount to WHEREBY the Said County Rate is become very heavy and Burdensome to the Freeholders & Inhabitants thereof for Remedy of which.

Be it therefore Enacted by his Excellency the Governour Councill and the Generall Assembly, and it is hereby Enacted by the Authority of the Same, That it Shall and may be Lawfull for the Freeholders and Inhabitants of every Town Mannor, Liberty and Precinct within the Said County of West Chester Annually to Choose on every first Tuesday in April, a Supervizer being a Freeholder (Except the Borrough of West Chester, who are to make Such Choice at the time appointed in their Charter) for each of the Said Towns,

Mannors, Libertys and Precincts, Provided there are not less than Twenty Inhabitants within the Same respectively. And for Such Mannor or Mannors as (in there Rates and Taxes have usually been, or hereafter may be divided in two or more Divisions, That a Supervisor may in like manner be Chosen for each of Such Division by the Freeholders and Inhabitants thereof, and where the Said Inhabitants Shall omitt to make Such annual Choyce in any of the Said Divisions and in Such mannor or Mannors, where not Above the Number of Twenty Inhabitants doe dwell or Reside, the owner or owners of Such Mannor or Mannors or of Such Division thereof as aforesaid, or their Stewards or Deputys Shall be Deemed & Esteemed the Supervizers thereof respectively and have the Same Powers to all Intents Constructions and purposes, whatsoever as those Chosen by Virtue of the Act before mentioned, any thing therein Contained or any practice to the Contrary HEREOF in any wise notwithstanding.

AND be it further enacted by the Authority aforesaid, that from and after the Publication of this Act, none of the Supervizers in the Said County, Shall be Intituled to any wages or Reward for their Several Services in that Capacity, and that no part of their or any of their Wages Shall be brought in, or allowed as a Charge on the Said County, upon any pretence whatever, but that the Same Shall be paid and Discharged by the Freeholders and Inhabitants of each of the Several Towns, Mannors, Libertys and Precincts, for which they Respectively Shall appear and Act as Supervisors.

AND to the End, that Encreasing the number of Supervizers may in no wise Obstruct their Computing, Raising and Levying annually Such Sum or Sums of money for Discharging Such publick Necessary Contingent Charges as they Shall find the Said County Properly Chargeable with. Be it further Enacted by the Authority aforesaid, That the Said Supervizers Shall for that purpose annually meet as usuall on every first Tuesday of October, at the County Town and then Adjourn to Such place and time, as they or the Major part of them so meeting Shall think Convenient and the Clerk of the Said Supervizers Shall by Circular Letters signify to the Absent Supervizers the Place and time to which Such adjournment is made and at Such Second or farther meeting or meetings the Major part of the Said Supervizers or any five of them, Shall and hereby are required to doe and perform all and every Act and thing and SHALL be vested with all and Singular the Powers given to Supervizers in and by the Act beforementioned, any thing Contained herein to the Contrary hereof notwithstanding.

Provided that this Act Shall Extend to no other County then to the Said County of West Chester, & that the aforementioned Act in all matters Clauses & things Shall be and remain in full force and Virtue Saveing so much thereof onely as in this Act is otherwise directed and provided for, any thing herein to the Contrary hereof in any wise notwithstanding.

[CHAPTER 434.]

[Chapter 434, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for paying Ebenezer Wilson John Van Horne Abraham Governour and Sarah the Widdow and relict of Johannes Hardenbrock Deceased for Serving in Generall Assembly.

[Passed, November 1, 1722.]

WHEREAS the Said Ebenezer Wilson John Van Horn Abraham Governour and the Said Johannes Hardenbrock Deceased have Served in Generall Assembly as Representatives for the City and County of New York for which they have not received any reward. Be it therefore Enacted by his Excellency the Governour Council and Generall Assembly and by the Authority of the Same that the Mayor Recorder Aldermen and Comonalty of the Said City Shall and are hereby directed and required on or before the first Tuesday in the Month of August in the Year of our Lord one thousand Seven hundred and twenty three to meet at the City Hall of the Said City and there order the raising and Levying on the Inhabitants Residents & Sojourners of and in the Said City and County the Sum of one hundred forty four pounds Six Shillings Currant money of this Colony for the Several and respective Services in the General Assembly of the aforesaid Ebenezer Wilson John Van Horne Abraham Governour and Sarah the Widdow and Relict of Johannes Hardenbrock, as in and by their Several Certificates thereof doth and may appear (Sundays being all ready Deducted) to be paid in the proportions following, that is to Say,

TO Ebenezer Wilson his Executors Administrators or Assigns the Sum of Forty two pounds Eighteen Shillings.

TO Abraham Governour his Executors administrators or Assigns the Sum of Eighteen Pounds twelve Shillings.

TO John Van Horne his Executors Administrators or Assigns the Sum Forty two Pounds Six Shillings.

TO Sarah Hardenbrock her Executors Administrators or Assigns the Sum of Forty Pounds ten Shillings.

AND be it further Enacted by the Authority aforesaid that over and above the aforesaid Sum of one hundred forty four pounds Six Shillings there Shall be raised and Levyed for Collecting of Said money to every Collector that Shall Collect the Same the Sum of nine pence in the pound and to the City Treasurer for receiving and paying the Same the Sum of one Shilling in the pound & that pursuant to the Order of the Mayor Recorder Aldermen & Comonalty for the time being to be made as aforesaid a Warrant or Warrants Signed by the Mayor Shall be Issued to the Assessors and Collectors of each respective Ward within the Said City and County requiring them to make Such Assessment and Collection and pay the Same to the Treasurer of the Said City for the time being at Such Convenient time as Shall be agreed on by the Said Mayor Recorder Aldermen and Comonalty so that the respective Sums abovementioned Shall by the Treasurer of the Said City for the time being be paid to the Said Ebenezer Wilsom John Van Horne Abraham GOVERNOUR and Sarah Hardenbrock Executrix of her Said Husband Johannes Hardenbrock or their Assigns for their Said Services on or before the first Tuesday in the month of November which Shall be in the Year one thousand Seven hundred and twenty three. And be it further Enacted by the Authority aforesaid that if any Person or Persons Shall neglect or refuse to pay any Sum or Sums of money which he She or they Shall be Assessed by Virtue of this Act that it Shall and may be Lawfull for the Collector or Collectors thereof to Levy the Same by distress and Sale of his her or their goods and Chattles with reasonable Charges for distraining Restoring the overplus if any be.

And be it further Enacted by the Authority aforesaid that if the Mayor Recorder Aldermen and Comonalty of the Said City or any of the Assessors or Collectors aforesaid who are hereby required Impowered and Authorized to take Effectual Care that this Act be duely Executed according to the true Intent and meaning thereof or any of them Shall deny refuse neglect or delay to performe and Execute all or any of the Powers Dutys and Authoritys in this Act required to be done and performed by them or any of them and Shall thereof be Lawfully Convicted in any Court of Record in this Colony he or they so denying refusing or delaying to perform the Dutys aforesaid Shall Suffer Such paines by Fines and Imprisonments as by the discretion of the Justices of the Said County Shall

be adjudged to be Sued and recovered by the Said Ebenezer Wilson John Van Horne Abraham Governour Sarah Hardenbrock Executrix in behalf of her Husband deceased or any of them IN any Court of Record within this Province.

AND be it further Enacted by the same Authority that the aforesaid City Treasurer shall out of the money to be raised by Virtue of this Act, pay unto the beforementioned Ebenezer Wilson Abraham Governour John Van Horn and Sarah Hardenbrock or to their or any of their Executors administrators or Assigns the Severall Sums hereby allowed to them respectively, and that their and every of their Respective receipts (which are to be Endorsed on the Severall Certificates they and every one of them have, for their Said Services in the Generall Assembly as aforesaid) Shall be a Sufficient acquittance and Discharge in the Law to the Said Treasurer for so much as in Such receipt Shall be mentioned to be Received.

THE SEVENTEENTH ASSEMBLY.

Twelfth Session.

(Begun May 14, 1723, 9 George I, William Burnet, Esq., Governor.)

[CHAPTER 435.]

[Chapter 435, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 230. See chapter 295. Revived by chapter 515.]

An Act to Revive an Act Entituled an Act for the Encouraging Navigation.

[Passed, July 6, 1723.]

WHEREAS an Act pass'd in the first year of his Majestys Reign Entituled an Act for the Encouraging Navigation, hath proved of great Use Benefit and Encouragement to the Navigation of the Merchants & others Tradeing into and out of the Port and Harbour of New York, and the Same being Expired by its own Limitation.

BE it Enacted by the Governour Council and Assembly and by the Authority of the Same, That the aforesaid Act of the Generall Assembly Entituled an Act for the Encourageing Navigation, made in the Said first Year of his Majestys Reign, Shall be, and hereby is, Revived to all Intents Constructions and Purposes whatsoever, from the Publication hereof, for and During the Term and Space of five Years from thence Next Ensuing, and every Clause Article and thing Contained in the aforesaid Act, Shall be and

remain, in as full Force and Virtue, as if every Such Clause Article and thing had been particularly Enacted and Mentioned in the Body of this Act.

[CHAPTER 436.]

[Chapter 436, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 231. Further provided for by chapter 496. Revived by chapter 531.]

An Act to prevent Desertion from his
Majestys fforges in the province of New York.

[Passed, July 6, 1723.]

WHEREAS many and Grevious Complaints are daily laid before his Excellency the Captain General and Commander in Chief of this his Majestys Province of New York concerning debts due from the soldiers private men of his Majestys four Independent Companys in Garison in Said Province and that great Disorders and inconveniences have heretofore Arisen and are daily growing from the too Large trust and Credit given by Shopkeepers, Victualers, keepers of Taverns and Tipling houses to the Soldiers private men of his Majestys said four independent Companys in Garison in this Province at the Citys of New York and Albany Schenectady and other places within the same, by means whereof the said Soldiers are frequently debauch'd and Misled by Extravagant gameing Drinking and other Vices to the impoverishment and ruin of themselves and their familys, who doe thereby often become burthensome to those places where they respectively reside, and for as much also as frequent desertions are thereby Encouraged and occasioned to the great and Manifest prejudice of his Majestys Service, and the Security of this his province.

In Order therefore to prevent the Said Complaints, Disorders, and inconveniences, Be it Enacted by his Excellency the GOVERNOUR Council and Assembly, And it is Enacted by the Authority of the Same, that from and after the first day of August in this present Year of our Lord one Thousand seven hundred and Twenty three, No Shopkeeper, Victualer, keeper of a Tavern or other Tipling house, or any other person whatsoever shall trust or give Credit to any Soldier or private man under the degree of a Serjeant, being enlisted and Enrolled in any or either of his Majestys four independent Companys of ffoot in this province, for any Larger or greater Sum than six Shillings Current money of this province, And if any Shop keeper, Victualer, Keeper of a Tavern or tipling house or any other

Person whatsoever within the Said Province shall trust or give Credit to any Soldier or private man under the Degree of a Serjeant Enlisted and Enrolled as aforesaid for any greater or larger sume than Six Shillings Current money of this Province, he, she, or they so as abovesaid trusting or Crediting any such private man or Soldier under the Degree of a Serjeant Shall lose, and is, and are hereby disabled from ever recovering the whole debt or any part thereof, & any Soldier or private man so as abovesaid described being trusted or Credited for any sume or Sumes of money, Goods wares or Merchandizes, victuals, or Drink, and being thereupon Sued or prosecuted for any Sume, above the sume of Six Shillings Contrary to the true Intent and meaning of this Act, may PLEAD the General Issue, and give this Act in Evidence in any of his Majestys Courts of Record, or before any Justice of the Peace in this Province and the Judges and Justices of the said Courts respectively and all Justices of the Peace are hereby Strictly required and enjoin'd to admit this Act to be so given in Evidence, any Law usage or Custome to the Contrary hereof in any wise notwithstanding.

AND WHEREAS it has been discovered that many Evil disposed persons doe frequently buy, receive, or take in pawn and pledge the Military clothing of said soldiers private men as aforesaid, Be it Enacted that if any person or persons whatsoever from and after the first day of August before mentioned, shall buy, receive, or take in pawn or pledge from any of the Said Soldiers, or private men, Corporals or Serjeants of said Independent Companys, or either of them, any Military Clothing, that is to say, the Military Hat, crevat, Coat, wastcoat, breeches, Shirt, Shoes, Stockings, or any or either of them, such person or persons so buying receiving or taking in pawn or Pledge all or any part of said Military clothing as is herein mentioned, shall forfeit for each and Every offence the sume of Ten pounds Current money of this Province, to be recovered by Action of Debt, Bill, Complaint, or information in any Court of Record in this Province by any person who shall inform sue or prosecute for the Same.

AND in order to prevent all fraud Covine and deceit which may be used to avoid and defeat the Good and Just purposes of this Act, Be it Enacted that if any person or persons WHATSOEVER Shall Sue or Prosecute any Soldier or Private man Enlisted and Enrolled as aforesaid under the Degree of a Serjeant for any Sume of money not Exceeding the Sume of Six shillings said Person or Persons so Sueing or prosecuting shall upon the bringing Such Suit or Prose-

cution be Examined upon Oath that if the Sume so by him her or them Sued for be the whole and Entire debt due to him her or them from the Person So Sued or prosecuted at the time of his the Plaintiffs her or their Commencing and bringing such suit or prosecution and making such Oath, And all Mayors Aldermen and Justices of the Peace within this Province are hereby Strictly required and Enjoined to administer Such oath to all and Every person or persons Sueing or prosecuting any Soldier or private man for the sume of Six Shillings or under said private man or Soldier being as aforesaid duely Enlisted and Enrolled in any or either of said Independent Companys, under the Degree of a Serjeant.

AND to prevent any Frauds to be practiced under Colour of this Act, Be it provided and Enacted by the authority aforesai'd That all Such person or persons as shall at any time after the aforesaid first day of August, Enlist or Enroll himselfe or themselves in any of his Majestys said four Independent Companys, Shall have no manner of Benefit by this Act, for any Debt or Debts Contracted by him or them before such Enlistment or Enrolment any thing herein Contained to the Contrary hereof in any wise Notwithstanding.

AND it is hereby further Enacted that this Act be Publickly and openly read by the Clerk of the peace at Every Quarter Sessions to be held in the Several Citys and Countys in this province on the day of the opening Said Sessions so long as this Act shall Continue in force of which all Justices of the peace are to take Especiale Notice.

THIS ACT to be and Remain, in force for the Space of five Years and no Longer.

[CHAPTER 437.]

[Chapter 437, of Livingston & Smith, where a portion of the act is printed. Chapter 437, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 213.]

An Act for Raising and Levying the quantity of five thousand three hundred and fifty Ounces of Plate for the uses therein mentioned and for Striking and Making Bills of Credit of that Value.

[Passed, July 6, 1723.]

WHEREAS the Revenue raised for the Support of his Majestys Government in this Colony has not prov'd Sufficient to pay the Salarys of the severall Necessary Officers and Defray the Contingent

charges thereof to the great hurt of the said Officers and hinderance of the Publique Service, And whereas Some attempts have been made to Create a Trade with the more remote Nations of Indians, which hath been attended with Suitable Success and Severall of them have been Induced to Send delegates to the City of Albany who have desired to be admitted and Joyned (as one other Nation) to the five Nations of confederated Indians now in Amity with the Crown of Great Britain and have entred into Treaties for the better Carrying on the said Trade which if duely Encouraged will be of great advantage to this Colony by Increasing the Wealth and prosperity thereof, Securing and Advancing the English Interest and Extending his Majestys Empire and Dominion in this part of America.

Be it therefore Enacted by the Governour Council and Generall Assembly of this Province and it is hereby Enacted by the AUTHORITY of the Same that the quantity of five thousand three hundred and fifty Ounces of Civill pillar or Mexico plate or Bills of Credit made Currrent in this Colony to the value thereof Shall be Assest raised and Levyed for the uses and purposes beforementioned upon the Estates real and Personal of all and every the Freeholders Inhabitants and residents within this Colony and Shall be collected and paid in the manner following that is to Say the quantity of one thousand Seven hundred and Eighty three Ounces Six penny weight and Sixteen granes of the Said Plate on or before the first day of May which will be in the year of our Lord one thousand Seven hundred and twenty four the like quantity of one thousand Seven hundred and Eighty three Ounces Six pennyweight and Sixteen grains of the Said Plate on or before the first Day of May which will be in the Year of our Lord one thousand Seven hundred and twenty five, And the like quantity of one thousand Seven hundred and Eighty three Ounces Six penny weight and Sixteen granes the remainder of the Said Plate on or before the first Day of May which will be in the Year of our Lord one thousand Seven hundred and Twenty Six which said quantity of one thousand seven hundred and Eighty three Ounces six penny weight and Sixteen grains of Plate aforesaid hereby appointed to be annually paid on the days and times before mentioned Shall be yearly raised Levyed and paid by the Freeholders Inhabitants and residents in the Severall and Respective Countys and Cities within this province during the three Years beforementioned according to and in the Quotas and Proportions following that is to Say By the City and County of NEW YORK

the quantity of three hundred and fifty Eight Ounces Six penny weight and Sixteen graines of plate aforesaid yearly and every Year during the Said three Years. By the City and County of Albany the quantity of two hundred and fifty Ounces of like plate yearly and every Year during the Said three Years by the County of Kings County one hundred and Forty five Ounces of like plate Yearly and every Year during the Said Three Years by the County of Queens County the quantity of two hundred and fifty Ounces of like plate yearly and every Year during the Said three Years. By the County of Suffolk two hundred and fifty Ounces of the like Plate Yearly and every Year during the Said three Years. By the County of Richmond one hundred and Twenty Ounces of the like Plate Yearly and every Year during the Said three years. By the County of Westchester one hundred and fifty two Ounces ten pennyweight of the like Plate Yearly and every Year during the Said three Years. By the County of Ulster one hundred and Seventy two ounces Ten pennyweight of the like Plate, Yearly and every Year during the Said three Years. By the County of Orange Forty two Ounces Ten pennyw't of the like Plate, Yearly and every Year, During the Said three Years. By the County of Dutches Forty two Ounces & Ten penny weight of the like Plate Yearly and every Year, during the Said three Years.

And be it Enacted by the Authority aforesaid that the Severall and respective Assessors and Collectors now already Elected or hereafter to be Elected during the Continuance of this Act for the Severall and respective Cities Towns mannors Libertys and precincts within this PROVINCE be and the Said Severall and respective Assessors and Collectors now already chosen or hereafter to be Chosen and Elected as aforesaid are herein and hereby appointed Impowered and Directed to be the Assessors and Collectors within the Severall and respective Limits Districts and precincts for w'ch they now are or hereafter Shall be Chosen as aforesaid to Assess and Collect the Severall quantitys of Plate by this Act appointed to be raised Levyed and Collected and the Said Assessors and Collectors Shall Assess the Freeholders Inhabitants and Residents within their Severall limits and districts and Collect the said Plate on the times and according to the quotas directed and appointed by this Act according to the Directions true meaning and Intent thereof and not otherwise.

And to the end that assessments may be made in Such convenient time by the Assessors that the Plate by this Act Intended to be

raised may be Collected gathered and paid at the times hereinbefore mentioned and appointed and that the Assessments may be truly equally and Impartially made as of Right they ought to be it is further Enacted by the Authority aforesaid that the Mayors and Aldermen of the Cities of New York and Albany and the Justices of the Peace or the greater part of them for the time being of each of the respective Counties within this Colony Shall meet & Assemble together on or before the Second Tuesday in the Month of February now next ensuing in this present year one Thousand Seven hundred and twenty three and on or before the Second Tuesday of the Month of February which will be in the year of our Lord one thousand SEVEN hundred and twenty four and also on or before the Second tuesday of the month of February which will be in the Year of our Lord one thousand Seven hundred and twenty five at the Court House of the Said Respective Cities and Counties or at Such other Place as they Shall think proper and then and there Issue their Warrants to the Severall and respective Assessors aforesaid to take a true and Exact account of all the Estates real and Personall of all the Freeholders Inhabitants and residents within the Precinct or district for which they or any of them at the time of Issuing Such Warrant Shall be Assessors or Assessor and a true equall and Impartiall Assesment to make and the Same at a day and Place in the Said Warrants Prefixed to the Said Mayors and Alderman and the Said Justices of the Respective Counties or Major part of them then mett to Exhibit and when the Said Assessments are by the Said Assessors compleated and the full amount of the Same truly cast up according to the Pound Value of the Said Estates so that the Quotas and proportions of each District Ward Town Mannor or Precinct be apparent and made known. Then the Said Mayors and Aldermen and the Said Justices so mett or Major part of them Shall Issue their Warrants to the Severall and respective Collectors within the Said Severall and respective Cities and Counties to Collect the Quota or proportion of Plate found to be due and payable within their Severall Districts Wards Limits Town Mannors and precincts. And in Order that the Assessment aforesaid may be truly Justly Equally and Impartially made and done.

BE it Enacted by the Authority aforesaid that every assessor that now is or hereafter Shall be Chosen and elected within this Colony Shall before he enters upon the performance of the Duty and Service required of him by this Act take a Sollemn Oath upon

the holy Evangelists of almighty God that he will well and truly equally Impartially and in due proportion according to the best of his Skill Knowledge and understanding Assess and rate all the Freeholders, Inhabitants and residents of the Place for which he is Chosen an Assessor which oath every of the Said Mayors Aldermen, and Justices of the Peace are Impowered to Administer and the Said Mayors Aldermen and Justices of the Peace or Some of them are hereby required and directed to administer the Same.

And be it further Enacted by the Authority aforesaid, that in Case any Mannor Town Liberty Precinct or Island within the respective Counties do or Shall refuse neglect or omit, or not annually Elect and Chuse Assessors or Collectors, whereby the Intent of this Act may be Eluded that then and in Such Case the Justices of the Peace for the County or Countys where Such refusal neglect or omission has happened, are hereby Authorized, Impowered and required to Nominate and appoint an Assessor or Assessors and a Collector or Collectors for Such Mannors Towns Libertys Precincts and Islands which Assessors and Collectors so nominated and appointed Shall to all Intents and purposes observe the Directions of this Act, as fully in all Respects, as any other Assessors or Collectors are by this Act obliged and required to do.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons who, shall be Chossen nominated or appointed Assessors or Collectors in manner aforesaid, shall deny neglect or unequally and Partially assess, or refuse to make Such assessment, as by this Act is required or Shall deny Neglect or refuse to collect any Sum or Sums of money, in form beforementioned, laid Taxed and Assess'd and thereof be Convicted before any two Justices of the Peace of the Citys and Counties where Such offender Shall Dwell or reside, who are hereby required and Impowered to hear and determine the Same Such Assessor or Collector so neglecting or refusing Shall by warrant under the hands and Seals of Such two Justices of the Peace be Comitted to the Common Goal, there to remain untill he pay a fine not Exceeding ten pounds for Such his Neglect or refusall, as aforesaid to be laid at the discretion of the Justices before whom Such Conviction Shall be made.

AND it is also Enacted by the Authority aforesaid that if any Mayor Alderman or Justice of the Peace within this Colony, who are hereby required Impowered and Authorized to take Effectuall Care that this Act be duly executed according to the true Intent and meaning thereof, shall Deny refuse neglect or delay to do

perform and Execute all or any of the Powers Dutys & Authoritys by this Act required of him or them to be done, and Shall thereof be Lawfully Convicted before any of his Majestys Courts of record within this Colony, he or they Shall Suffer Such pains by fines and Imprisonment as by the Discretion of the Justices of the Said Courts Shall be adjudged,

AND BE IT Enacted by the Authority aforesaid That if any Person or Persons within this Colony Shall refuse neglect or delay to pay the Severall quantities of Plate appointed by this Act and Assessed in manner aforesaid for Such Person or Persons to pay upon demand made by the Collector of the Place where Such Person or Persons shall dwell or reside, it Shall and may be Lawfull to and for Such Collector for non payment thereof to Distrain the goods and Chattles of every Such Person or Persons so refusing, delaying or Neglecting and the distress so taken to keep the Space of four Days at the Costs and Charges of the Owners thereof and if the Owners do not pay the Said quantities of plate so distrained for within the Said four days then the Said Distress to be Publickly Sold by the Said Collectors for the payment of the Said Plate and the overplus coming by the Said Sale (if any there be) over and above the Charge of taking keeping and Selling the Said Distress to be immediately restored to the owner thereof.

And be Itt further Enacted by the authority aforesaid, that the Severall Collectors aforesaid Shall within twenty Days after the Same is appointed by them to be received pay in the Severall quantities of Plate by them by Virtue of this Act to be Collected and Levyed to the Treasurer of this Colony for the time being retaining in their hands respectively nine pence in the pound for all Such Sum and Sums of money as they and every of them Shall Severally Collect and pay in manner aforesaid.

And be it further Enacted by the Authority aforesaid that the Said Treasurer on the payment to him of the Respective Sums of money COLLECTED and Levyed by the Severall Collectors, shall give them receipts gratis for Such Sum or Sums of money as Shall by them or any of them be paid unto him which receipt Shall be to the Severall Collectors aforesaid a good Sufficient acquittance and Discharge in the Law for so much as in the Same Shall be mentioned to be received.

And be It further Enacted by the Authority aforesaid that in every respective City and County according to there and every of their Severall and respective Quotas aforesaid there Shall be

raised over and above their Quota the Sum of fifteen pence on the Pound nine pence for each pound of which shall be retained in the hands of each of the Collectors for their trouble as aforesaid in gathering and Collecting the Said Quota and Six pence for each pound so gathered Collected and paid in to the hands of the Treasurer of this Colony which Said Sum of Six pence on each pound Shall by the Treasurer be retained in his hands as a reward for his Service in receiving the money raised by this Act and keeping Accounts of the Same.

And whereas the quantity of one thousand two hundred and fifty Ounces of Plate part of the Plate by this Act appointed to be raised is hereby Intended to be applyed towards the Encouragement and promoting a Trade with the more remote Nations of Indians and to Secure the five Nations in his Majestys Interest it is therefore Enacted that the Said quantity of one thousand two hundred and fifty Ounces of Plate be drawn out of the Treasurers hands by Warrants under the hand AND Seal of His Excellency the Governour or Commander in Chief for the time being in Council and not otherwise for the Said use and purpose to be Applyed and for no other use or purpose whatsoever.

And be it enacted by the Authority aforesaid that the quantity of four thousand one hundred Ounces of Plate the remainder of the Plate by this Act appointed to be raised Shall by the Treasurer of this Colony for the time being be paid and applyed to the Uses following and to no other use or purpose whatsoever that is to Say the quantity of four thousand Ounces part of the said Plate to Discharge those Warrants unpaid belonging to the Officers residing in this Government that have been drawn upon the Said Treasurer and by him payable for their Severall and respective Sallaries the quantity of ten Ounces other part of the Said plate to be paid to the printer for the printing of five hundred and fourty two Bills of Credit directed by this Act to be made Current and there Counterparts the quantity of twenty Seven Ounces Ten pennyweight other part of the Said Plate to be paid to the five Signers named in this Act for all their trouble in Signing and Cancelling the Said Bills and the remaining quantity of Sixty TWO Ounces Ten pennyweight of the Said Plate to be by the Said Treasurer retained in his own hands as a reward for his trouble in receiving Issuing and Cancelling the Bills of Credit appointed by this Act to be made Current and the Said Treasurer Shall be accountable for the Issuing and disposing all the plate by this Act appointed to be

raised unto the Governour the Council or the Generall Assembly of this Province at any time requiring the Same.

And whereas the Incouragement of the remote Indians will much Depend on their being Civilly and kindly treated and fairly and justly dealt with all by the Inhabitants of the City and County of Albany & that all Methods & indirect and Unjust Practices be prevented. Be it further Enacted by the Authority aforesaid that upon the Complaint of any Such far or remote Indian or of any Person in their behalf that they have been abused or unfairly dealt withal in their Trade or Extravagant prizes Exacted from them by the Wagoners in their Passage to & from Albany or forced to Trade wth any Person Contrary to their Inclination the Comissioners of the Indian Affairs or ye Major part of them for the time being are hereby Impowered to Send for the Person or Persons Complained of & to hear and determine ye matter of Controversity & if it Shall be found that any Person or Persons have wronged or Evilly treated any Such Indian or Indians ye s^d Comissioners are to fine Such Person or Persons according to the merit of the Case provided the fine exceed not the Sum of Ten pound for each Offence and Committ the Offender to Goal till the Said fine be paid, the money arising by the S^d fines to be applyed towards the paym^t of Such of his Ma^{tys} Subjects as Shall Suffer by the said Indians killing their Cattle hoggs and other creatures and put into the hands of the County Treasurer to be apply^d to yt use.

And for the more Speedy & Effectual payment of the Salaries of the Said Officers & to make proper & Sufficient provision for ye purposes before mentioned. Be it Enacted by his Excellency THE Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the Same that Bills of Credit to the Value of five thousand three hundred and fifty Ounces of Plate of the Spanish Coyns of Civill Mexico or Pillar Plate be forthwith Printed and made upon the Credit of the Plate to be raised and Levyed by Virtue of this Act that is to Say.

Two hundred and forty three Bills of Eleven Ounces & five penny weight each.

Two hundred and Ninety nine Bills of Eight Ounces and fifteen pennyweight each Upon every of which Bills Shall be Impressed on the Middle of the Said Bills the Arms of the Citty of New York and on the top of each of them Shall be printed the quantity of Plate they Shall go Current for and the Said Bills Shall be in the Form following Vizt:

This Indented Bill of Ounces and Penny weight of plate due from the Colony of New York to the Possessor thereof shall be in Value Equall to Plate and Shall be accordingly accepted by the Treasurer of this Colony for the time being in all Publick payments and for any Fond at any time in the Treasury Dated in New York the Second Day of July one thousand Seven hundred and twenty three by order of the Governour Council and Generall Assembly.

Which Bills Shall be Signed and numbered by David Provoost Johannes Jansen Jacobus Kip John Cruger and Gerrardus Beekman Jun'r Es'qr or any three of them.

And be it Enacted by the Authority aforesaid that the Bills of Credit aforesaid herein & hereby directed to be made Current Shall be Sunk Cancelled and destroyed by the Treasurer of this Colony for the time being in the presence of the Signers aforesaid or the Major part of them yt Shall then be alive on the Days & times herein after mentioned that is to Say

SO many of the Said Bills of Credit as Shall amount to the Value of one thousand Seven hundred and Eighty three Ounces Six penny weight and Sixteen grains being the one third part of the Value of all the Bills made current by this Act Shall be Sunk and Destroyed on the first day of July w'ch will be in the Year of our Lord one thousand Seven hundred and twenty four so many more of the Said Bills of Credit as Shall amount to the Value of one thousand Seven hundred and Eighty three Ounces Six pennyweight and Sixteen grains of Plate being another third part of the Value of all the Bills as aforesaid made Current Shall be Sunk and destroyed on the first Day of July which will be in the Year of our Lord one thousand Seven hundred and twenty five and all the remainder of the Said Bills Shall be Sunk Cancelled and Destroyed on the first day of July which will be in the Year of our Lord one thousand Seven hundred and twenty Six and the Treasurer of this Colony for the time being is hereby directed to Sink and Destroy all the Said Bills accordingly.

And whereas it may so happen, that Some of the Said Bills may after the first Day of July which will be in the Year of our Lord one thousand Seven hundred and twenty Six be and remain in the hands of Private Persons so that they Cannot Conveniently be brought to the Treasurer of this Colony in order to be Sunk and destroyed on the Said first Day of July one thousand Seven hundred and twenty Six Be it therefore Enacted by the Authority aforesaid that any Person or Persons who Shall on the Said first Day of July or on or

before the first day of May which will be in the Year of our Lord one thousand Seven hundred and twenty Seven bring and deliver to the Treasurer of this Colony for the time BEING, any Bill or Bills made Current by this Act, every Person so bringing and delivering any Such Bill or Bills Shall by the Treasurer be paid to the Value of them out of the Fonds or Publick money in his hands at the time of bringing and delivering Such Bill or Bills which Said Bill or Bills so brought in and delivered to the Treasurer Shall by him be Sunk and Destroyed at the times of delivering the Same on or before the first Day of May aforesaid after which Day the Said Treasurer is not to Exchange any of the Bills made Current by this Act nor take them in payment longer then till the first day of July which will be in the Year one thousand Seven hundred and twenty Six aforesaid.

And that it may be truly known what number and Value of Bills are Sunk and Destroyed on the Said first Days of July which will be in the Year of Our Lord one thousand Seven hundred and twenty four, One thousand Seven hundred and twenty five and one thousand Seven hundred and twenty Six or at any time before the Second Day of May then next following. It is hereby further Enacted that the Treasurer of this Colony at that or, any of those times being Shall keep a true and perfect account of all Such Bills by him received and destroyed, which account he Shall render upon oath if thereto required by the Governour Councill and generall Assembly or either of them.

And be it Enacted by the Authority aforesaid that the Persons appointed for the Signing of the Said Bills of Credit Shall take an Oath before any one of the Aldermen of the City of New York for the true signing and delivering of all the Said Bills of Credit, that is to Say that they the Signers or the greater NUMBER of them alive will truly Sign all the Said Bills of Credit made Current by this Act and no more except Impowered by an Act of Assembly of this Province so to do and that they the Persons signing the Same will deliver unto the Treasurer of this Colony for the time being all the Bills of Credit so Signed by them and no more then this Number mentioned in this Act according to the true Intent & meaning of the Same.

And be it Enacted by the Authority aforesaid that David Provoost Johannis Jansen Jacobus Kip John Cruger and Geradus Beekman Es'qrs herein named and appointed to Sign the Bills of Credit made Current by this Act Shall for Such their Service have paid unto

each of them or each of their Executors or Assigns by the Treasurer of this Colony for the time being in Bills of Credit made Current by this Act the quantity of five Ounces and Ten Penny weight of Plate as a reward for their whole trouble in Singing numbering and Cancelling the Bills aforesaid.

And be it enacted by the Authority aforesaid that the Printer appointed to print the Said Bills of Credit Shall receive as a reward for his printing and providing Pens and Ink to sign the Same the Sum of Ten Ounces of Plate to be paid by him by the Treasurer of this Colony in the Bills of Credit made Current by this Act, and the Said printer is hereby required and Directed to deliver to the Signers of the Said Bills by this Act appointed every Bill of Credit by him the Said Printer Printed, and Shall upon his Delivery of the Said Bills to the Said Signers take an Oath upon the holy Evangelists, That the Bills of Credit then by him Delivered are all the Bills of Credit by him printed by Virtue of this Act which OATH all or any of the Signers is hereby Impowered directed and required to Administer and if more Bills happen to be printed then by this Act are appointed and Enacted to be Current the Signers hereby appointed are directed and required to burn and destroy Such Supernumerary Bills as Shall be printed and Delivered to them: And whereas the Stamps of the Arms of the City of New York heretofore used to be Imprinted on the Bills of Credit made Current in this Colony are now deposited in the hands of Abraham De Peyster Junior Esq'r Treasurer of this Colony, Be it Enacted by the Authority aforesaid that the Said Abraham De Peyster Jun'r Esq'r or the Treasurer of this Colony for the time being Shall in the presence of the Signers aforesaid deliver the Said Stamps to William Bradford the Printer appointed to print the Bills of Credit made Current by this Act in order that the Same may be Impressed on the Said Bills which when done the Said Wm. Bradford Shall redeliver the Said Stamps in the presence of the Said Signers to the Said Treasurer to be by him Safely Kept and preserved and the receipt of the Said Treasurer given to the Said Bradford Shall be a sufficient discharge to him for the Same.

And be it further Enacted by the Authority aforesaid that the Bills of Credit appointed and Enacted by this Act to be Current Shall be received in all Cases whatsoever by any Person within this Province during the time they are Enacted to Continue and be as Effectually Current as any other Bill of Credit made Current in this Colony by any Act of the Generall Assembly of this Province

and any Person refusing to take them in payment for any Sum due, or hereafter to become due or for any Contract already made or **HEREAFTER** to be made or for any Consideration whatsoever for any Effects or Services already delivered or performed or hereafter to be delivered or performed Shall be lyable, and is hereby made lyable and Subjected to all the Penalties and Forfeitures contained in any or all the Acts of the Generall Assembly of this Colony at any time Enacting and Enforcing the Currency of Bills of Credit as fully, to all Intents Constructions and purposes whatsoever as if the words of all or any the Acts aforesaid relating to the Bills of Credit, or enacting and Enforcing the Currency of Such Bills of Credit in them mentioned had been particularly expressed or Transcribed and hereby Enacted any thing in this Act or any other Act of the Generall Assembly of this Province to the Contrary hereof in any wise notwithstanding.

And be it Enacted by the Authority aforesaid that if any Person or Persons whatsoever Shall presume to Counterfeit any of the Bills of Credit made Current by this Act or Shall alter any of the Said Bills made Current as aforesaid so that they Shall appear to be of greater Value than by this Act the Same Bills so altered were Enacted Signed and numbered to pass Current for or Shall knowingly pass any of the Bills aforesaid so Counterfited or altered every Person guilty of Counterfeiting or altering any of the Said Bills as aforesaid Shall be guilty of Fellony and Convicted of Such Counterfeiting or altering Shall Suffer Death accordingly, and not have the benefit of Clergy, and every Person knowingly passing any Such **COUNTERFEIT** or altered Bill and Convicted thereof Shall also Suffer the Pains of Death without benefit of Clergy.

[CHAPTER 438.]

[Chapter 438, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 240. See chapter 426. Expired, November 1, 1725.]

An Act for Continuing an Act Entituled
an Act for appointing Commissioners to Let
to Farm the Excise of Strong Liquors in the
Cities and Counties in this Colony.

[Passed, July 6, 1723.]

WHEREAS one Act of Generall Assembly Entituled an Act appointing Commissioners to let to Farm the Excise of Strong

Liquors in the Cities and Countys in this Colony made in the Ninth Year of his Majestys Reign will Expire by its own Limitation the first Day of November next, Ensuing.

BE IT therefore Enacted by his Excellency the Governour Council and Generall Assembly and by the Authority of the Same, that the Said Act Entituled an Act appointing Commissioners to let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony Shall be and Continue in force untill the first Day of November, which will be in the Year of our Lord Christ one thousand Seven hundred Twenty and Five and every Article Clause and thing therein Contained Shall be and remain in as full Force and Virtue during the time aforesaid, as if every Such Article Clause and thing had been particularly and at large Enacted in the Body of this Act.

And Whereas Major Jacobus Beekman, who was in the Said Act appointed a Comissioner for Kings County to let to Farm the Excise of Strong Liquors is Deceased Since the Publication of the before Mentioned act. Be it Enacted by the Authority aforesaid that Peter Leffertsen Shall and hereby is appointed a Comissioner for letting to Farme the Excise of Strong Liquors in Kings County and Shall have use and Exercise all the Powers and Authoritys and be Subject to all and every the Regulations and Directions Contained in the Said Act as fully to all Intents Constructions and purposes whatsoever as all or any of the Comissioners named in the Said Act are by the Said Act appointed Empowered and Directed to have use or exercise or be Subject to by Virtue of the Said Act.

AND WHEREAS Thomas Williams Esq'r: one of the Comissioners appointed by the aforerecited Act of Assembly for the City and County of Albany is since the passing the Said Act removed from the Said City, so that he Cannot attend the necessary Duty of the Said Office. Be it therefore Enacted by the Authority aforesaid, that Philip Livingston Esq'r the other Commissioner appointed by the Said Act for the said City and County Shall and is hereby appointed Sole Commissioner for Letting to Farm the Excise of Strong Liquors in the Said City and County and Shall have use and Exercise all the Powers and Authorities and be Subject to all and every the Regulations and Directions Contained in the Said Act as fully to all Intents Constructions and purposes whatsoever as all or any the Comissioners named in the Said Act are by the Said Act appointed Empowered and Directed to have use or Exercise or to be Subject to by Virtue of the Said Act.

[CHAPTER 439.]

[Chapter 439, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 240.]

An Act for paying the Charges and Expences of Two Wooden Houses or Sheds Built near the City of Albany for the Accomodations of the Indians Trading at Albany and for keeping them in good repair.

[Passed, July 6, 1723.]

WHEREAS by an Act of the Generall Assembly of this Colony made in the Eighth Year of his Majestys Reign Entituled An Act for the further and more Effectually prohibiting of Selling Indian goods to the French, It is among other things declared and Enacted that whereas by one Act of the Generall Assembly of this Province made in the Second Year of his Majestys Reign Entituled an Act for the building and Erecting two Wooden Houses or Sheds for the Accomodation of the Indians Trading at Albany and keeping them in good repair it was provided and Enacted that two Houses each of the Length of Seventy foot and bredth of fifteen feet Should be Erected to Lodge and Accomodate the Indians coming to Albany to Trade but by the fraudulent Corrupt and Indirect practices of the handlers or Traders with the Indians in the City of Albany, Such Houses have been Neglected to be made, as in and by the Said Act is directed. It is therefore by the said last mentioned Act Enacted that the Comissioners of the Indian affairs in Albany or the greater part of them Shall with the most Convenient Expedition cause two Houses to be built of the BIGNESS and put in Such place as in and by the Said Act is Directed and Shall Equally and Indifferently Assess all the Indian Traders in the Said City in Such Sum of money as the Charges of the Said building Shall amount unto and in Case of refusall of payment Shall Levy the Same by Warrant of Distress and Sale of the goods and Chattles of any Such Trader neglecting or refusing to pay his Quota and proportion of the Tax by the Said Comissioners assessed as aforesaid, And whereas Since the making the said Last mentioned Act the Said two Wooden Houses or Sheds have Accordingly by the direction of the then Comissioners of the Indian affairs in Albany been build and erected, But by reason of Some alteration of Some of the Said Comissioners the moneys Expended for that purpose

has not been yet Assessed, Levyed and paid, and the Said Act not making any provision for the Yearly raising of moneys to keep the Said Wooden Houses and Sheds in repair.

Be it therefore Enacted by his Excellency the Governour and Councill and Generall Assembly, and it is hereby Enacted by the Authority of the Same, that for the more easy and Effectuall raising the Sum and Sums of money Expended in the building and erecting of the Said two Wooden Houses or Sheds so built at Albany aforesaid, for the Accomodation of the Indians trading at Albany, that the Mayor Recorder and Aldermen of the Said City of Albany for the time being or the Major part of them be and are hereby Authorized Impowered and required to Assemble in the City Hall of the Said City or Such other place within the Said City AS unto them Shall Seem meet and at Such time and times as they Shall think fit before the first Day or September next, and after the passing of this Act, and then and there cause to come before them or the Major part of them as aforesaid, the Assessors of the City of Albany afores'd for the time being, and order them to Assess on the Estates Real & Personall of all and every the Indian Traders Comonly called Handlers, Inhabiting within the Said City a Certain Sum of money not Exceeding Fourty Pounds Current money of this Province, expended for the building and erecting the Wooden Houses or Sheds aforesaid, so that they return their Said Assessm't under their hands and Seals, on or before the Tenth Day of Septemb'r aforesaid upon which return the said Mayor Recorder and Aldermen are hereby Directed and Empowered to Issue forth their Warrants to the respective Collectors of the Said City for the time being, Comanding them to Collect the Sums so respectively assessed of the Severall Indian Traders, Comonly Called Handlers Inhabiting within the Said City of Albany, so that they pay in the money unto the Commissioners of the Indian Affairs at Albany or to Such Person as they or any five of them Shall appoint to receive the Same on or before the first Day of October then next ensuing, And the said Comissioners of the Indian Affairs at Albany or any five of them are hereby directed and Empowered as soon as the Said money Shall be Collected and paid in manner aforesaid by Warrants under their hands and Seals or the hands and Seales of any five of them to dispose of the Same for and towards the payment of the building and erecting THE Said two Wooden Houses and Sheds aforesaid, and not otherwise Provided always that every Collector respectively be allowed nine pence in the Pound for his trouble and pains in Collecting and receiving the Same.

And be it further Enacted by the Authority aforesaid, that if any of the Assessors or Collectors of the Said City of Albany Shall deny neglect or unequally and partially Assess or refuse to make Such Assessment as by this Act is required or Shall deny neglect or refuse to Collect any Sum or Sums of money in form beforementioned laid Taxed and Assessed and thereof be convicted before any two Justices of the Peace residing in the Said City of Albany, who are hereby required and Impowered to hear and determine the Same Shall by Warrant under the hands and Seals of Such two Justices of the Peace be Comitted to the Comon Goal there to remain without bail or mainprize till he and they, Shall make fine and ransom for Such contempt as aforesaid.

AND be it further Enacted by the Authority aforesaid, that if any Indian Trader Comonly Called Handler residing in the Said City of Albany Shall refuse neglect or Delay to pay the Severall Sum and Sums of money appointed by this Act and Assessed in manner aforesaid for Such Person or Persons to pay upon Demand made by the Collector of the ward of the Said City where Such Person or Persons Shall dwell or reside it Shall and may be Lawfull to and for Such Collector for nonpayment thereof to distrain Such Person or Persons so refusing DELAYING or neglecting, by his and their goods and Chattles and the Distress so taken to keep the Space of four Days at the Cost and Charges of the Owners thereof, and if the Owners do not pay the Said Sum and Sums of money so distrained for, within the Said four Days then the Said distress to be publicly Sold by the Said Collectors, for the payment of the Said money and the overplus coming by the Said Sale (if any there be) over and above the Charge of taking keeping and Selling the Said Distress to be Immediately restored to the Owner thereof. And be it further enacted by the Authority aforesaid that if any Mayor Recorder Aldermen or Justice of the Peace or Commissioners of the Indian affairs of the Said City of Albany who are hereby required Impowered and Authorized to take Effectuall Care that this Act be duely executed according to the true Intent and meaning thereof, Shall Deny refuse neglect or Delay to do perform and Execute all or any of the Powers Duties and Authorities by this Act required of him or them to be done and Shall thereof be Lawfully Convict before any of his Majestys Courts of Record within this Colony he or they Shall Suffer Such paines by Fines and Imprisonment as by the discretion of the Justices of the Said Courts Shall be adjudged. And be it further Enacted by the Authority afore-

said that yearly and every Year the Said Mayor Recorder and Aldermen upon Notice to them to be given by the Said Commissioners of the Indian affaires aforesaid or any five of them under their hands and Seals, that the Said Wooden Houses or Sheds do want Reparation & what Sum would be necessary to repair the Same that then the Said MAYOR Recorder and Aldermen of the Said City of Albany or the Major part of them Shall be and are Ordered Directed and Impowered within the time of fourteen Days after Such Notice to them given, Cause the Same to be Assessed & Levyed on all and every the Indian Traders Comonly Called Handlers residing in the Said City of Albany and paid unto the Said Comissioners of the Indian Affairs at Albany or to Such Person as they Shall appoint for that purpose to be by the Said Comissioners in manner aforesaid Employed for the repairing of the Said Wooden Houses and Sheds and not other wise. Provided always that the Sum so yearly to be raised in maner aforesaid do not Exceed the Sum of Six Pounds in every Year, and also provided That nine pence in the pound be paid to the respective Collectors for Collecting the Same in maner aforesaid, And that under the like penaltys and forfeitures as herein before Expressed any Law usage or Custom to the Contrary hereof in any wise notwithstanding.

[CHAPTER 440.]

[Chapter 440, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 238. See chapter 415. Expired July 27, 1730.]

An Act to Continue an Act of Generall Assembly Entituled an Act for the better Clearing and further laying out Highways.

[Passed, July 6, 1723.]

WHEREAS an Act of the Generall Assembly of this Colony passed in the Seventh Year of his present Majestys Reign, Entituled an Act for the better Clearing and further laying out HighWays, will expire by its own Limitation in the Month of July next ensuing, And it being highly Necessary that the good ends and purposes intended thereby Should not be dropt or Discontinued.

BE it Enacted by his Excellency the Governour the Council and the Generall Assembly and it is hereby Enacted by the Authority of the Same that the before mentioned Act, Entituled an Act for the better Clearing and further laying out highways and every clause Article and thing therein Contained (Except as is herein after Excepted) Shall remain and continue to be in full force and Virtue from and after the aforesaid Month of July untill the Twenty Seventh Day of July which will be in the Year one thousand Seven hundred and thirty as fully largely and amply to all Intents Constructions and purposes as if every Such Clause Article and thing had been particularly and at large Inserted in the Body of this Act. And Whereas by the Death of Some of the Commissioners appointed in the beforementioned Act to lay out and regulate Highways and the want of a Sufficient Number of Commissioners in Some particular PLACES it is highly Necessary to Supply those Defects; Be it farther Enacted by the Authority aforesaid that from and after the aforesaid Month of July and during the Continuance of this Act the Severall Persons herein after named Shall be and hereby are added & appointed Commissioners for laying out and regulating Highways and have all the Powers and Authoritys and be Entituled to the Same allowances and rewards as other the Comissioners named and appointed in the beforementioned Act so far as it relates to and Concerns the highways in the respective Countys, Townes or Places for which every of them are appointed Commissioners. That is to Say.

FOR the County of Westchester Coll William Willet Major Frederck Phillips and Sylvanus Palmer.

FOR Dutches County Hendricus Hermans, for and Instead of William Traphagan which Said Wm Traphagan Shall be and hereby is Discontinued from being a Comissioner of the Highways after the aforesaid Month of July next Ensuing.

FOR Kings County to be added to the Comissioners appointed in the Act before mentioned the following Persons for the respective Townes or Townships hereundermentioned to witt.

FOR the Township of Broockland Mr. Anthony Holsaart.

FOR the Township of Buswyck Jooste Durie

FOR the Township of Flatbush Mr Cornelius Cornell.

FOR the Township of FlatLands Mr Martyn Roelessen Schenck.

For the Township of Graves End Mr John Griggs.

AND for the Township of New Utrecht Mr William Verdon.

AND be it further Enacted by the Authority aforesaid That the three Comissioners appointed in this and the beforementioned Act for the Said Severall and respective Townships in Kings County or any two of them Shall have full power and Authority to lay out Clear and Regulate Highways in Each of the Townships aforesaid.

AND be it further Enacted by the Authority aforesaid that the Severall Highways and Roads to be laid out by Virtue of this Act in Kings County or Queens County on the Island of Nassau Shall and may be entred or Recorded in the Towne Book of each respective Townes under whose Jurisdiction Such Highways or Roads are respectively laid out in manner aforesaid and the Severall Clerkes of each Such respective Towns are hereby Enjoined to Enter or Record Such Highways and Roads when and as often as they Shall thereunto be required by the respective Comissioners or any two of them.

AND whereas Severall Disputes have arisen in Orange County about and Concerning a Bridge which was formerly laid over a Ditch or Creek leading to a Mill belonging to Cap't. John Corbet Deceased: And it being reasonable that neither the owners of the Meadows through which the aforesaid Ditch is Dugg Should be Deprived from having Free Egress and Regress to and from their Meadows laying beyond the Said Ditch nor the Inhabitants of the Township or precinct of Tappan be Debarred from goeing with boats or Canoes to and from the Landing in the Creek aforesaid.

Be it Enacted by the Same Authority that the Severall Inhabitants OF the above mentioned Township or Precinct of Tappan Shall and hereby are Obligated to Erect and build at the most Comodious Place over the Said Creek or Ditch a Convenient Bridge fitt for Waines Carts Slays or Horses to pass and re-pass and in or near the Middle thereof make a Draw or Swinging Bridge or Some other Conveniency to Draw up and let Down so that neither the Navigation nor the Land Passages may be Hindered or Obstructed which Bridge in manner aforesaid is to be Built and Finished on or before the first Day of November next ensuing at the Sole Cost and Charge of the Inhabitants aforesaid and by them to be kept and maintained in good Order and repair for and during the Continuance of this Act

AND be it further Enacted by the Authority aforesaid that the City and County of Albany and the County of Suffolk Shall and hereby are Excepted out of this Act.

[CHAPTER 441.]

[Chapter 441, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 233. Expired July 6, 1730.]

An Act for the Clearing and further laying out of the Highways in the City and County of Albany.

[Passed, July 6, 1723.]

WHEREAS notwithstanding the Severall Acts of the Generall Assembly of this Colony for the better Clearing and laying out the Highways in the City and County of Albany now in force, the Highways in the Said County are mightily out of Repair and in Some places not yet well or Sufficiently laid out to the great Inconveniency of the Inhabitants of the Same and whereof great Complaints have frequently been made to his Majesties Justices of the Peace for the Said City and County and who by reason of Sundry Deficiencies in the Acts now in force as aforesaid have hitherto been unable to remedy the Same. To the end therefore that the Highways and Roads in the Said City and County be duly and Comodiously laid out and from time to time repaired for the benefit and Advantage of the Inhabitants thereof and other Persons passing from and through the Same. Be it Enacted by his Excellency the Governour and Council, and Generall Assembly and it is hereby Enacted by the Authority of the Same that from and after the twenty Seventh Day of July in the present Year of our Lord One thousand Seven hundred and twenty three the Persons herein after named, Shall be and hereby are Authorized and appointed to bee Commissioners to put the SERVICES respectively intended by this Act in Execution in and thro' the Respective City, Towns, Mannors and Precincts in the Said City and County Respectively for which they Shall be herein named and appointed, that is to Say. For the Mannor of Livingston and the whole bounds thereof unto the bounds of Claverak in the Said County Jacob Vosburgh Esq'r Messrs. Johannis Spoor and Claas Brusie For Claverack abovesaid, from the Southernmost bounds thereof, to the bounds of Kinderhook in the Said County, Pieter Meese Hogeboom Esq'r Mess'rs. Robert Tewisse Van Deuse and Casper Van Hoese. For Kinderhook in the Said County from the bounds thereof, thro' the Woods to Green Bush Including all the Inhabitants along the Road, altho' they belong to the Mannor of Ranselaerswyk Cap't. Abraham

Halstyn Messrs. Coenraat Berghart and Leonard Conyn. For the East Side of the Mannor of Renselaerswyk to and from the Southermost Inhabitants of Scotack to Green Bush aforesaid, along the River Side Volkut Van Veghten Esq'r. Mess'rs Joannes Wendell and Joannis Van Valkenburgh For Schaghook on both Sides of the River, that is to Say, on the East Side, to the House of Dirk Van der Heyden and on the West Side to the half Moon, Mess'rs Dirck Vander Heyden Louis, Viele and Joannis De Wandelaar. For Saragtoge to the half Moon or the West Side of the River, Robert Livingston Jun'r Es'q. Coll. Joannis Schuyler and Major Abraham Schuyler. For the half Moon and the West part of the Mannor of RENSELAERSWYK to the City of Albany Capt. Jacobus Van Schoonhoven Mr. Antony Van Schaick Junior and Capt. Phillip Schuyler. From the Sawyers Creek being the Southermost Bounds of the County of Albany on the West Side of Hudsons River, to the Southermost Bounds of the mannor of Renselaerswyk, Messrs Francis Salisbury, Myndert Schut and Peter Bronk, from the Southermost bounds of the mannor of Renselaerswyk on the West Side of Hudson River, to the bounds of the City of Albany, Capt. Peter Coeyemans Messrs William Van Alen and Hendrik Dow. For the Road or Highway which leads from the City of Albany towards Schanegtade untill the first Sandy Hill, being about two English Miles from the Said City, and Comonly Called the Eerste Sandberg the Mayor Recorder and Aldermen of the City of Albany, for the time being from the Said first Sandy Hill to the Dutch Church in the Town of Schanegtade and so along the South Side of the River to a Certain place called Poverson John Wemp Esq'r. Messrs. Arent Brat and Evert Van Eps, from the Land of Capt. Sanders being right over against Schanegtade along the North Side of the River and from Poverson, to the end of the Christian Settlements and Plantations in or to the Mahaks Country Hendrik Hansen Esqr Carel Hansen Esqr. and Capt. Harman Van Slyck, from Canistigwene to the City of Albany, Messrs Gerrit Rykse, Claas Van Franke and Samuel Cregier. And be it further Enacted by the Authority aforesaid THAT the Said Commissioners or the Major part of them Respectively for the respective City County Town Mannor or precinct, for which they are by this Act nominated and appointed Commissioners are hereby Directed Impow'ed and Authorized to lay out new Highways, where they Shall be Necessary each in the respective District as aforesaid, And take a review of the

Highways or Roads already laid out, and if they find any Inconveniency in the Said Highways or Roads they or any two of them, have hereby full Power and Authority to alter and lay out new ones, in the Room thereof as they Shall think most Convenient for Travellers and the Severall Inhabitants of the Said City and County Towns Mannors and Districts aforesaid and the Severall Towns Villages or Neighbourhoods next adjacent. And be it further Enacted by the Authority aforesaid, that the Said Comissioners or any two of them Respectively in their before mentioned districts are hereby Authorized and required to lay out the Said Highways or Roads where they are not already laid out and alter asertain and fix those already laid out on or before the Middle of the Month of October now next ensuing, and make return thereof under their respective hands and Seals, to the Clerk of the Peace of the Said City and County of Albany, on or before the fifteenth of November then following, and the Said Clerk is hereby required and Authorized to Register the Same, in the County Records, and which Highways or Roads so laid out ascertained and fixed and returned and Registered as aforesaid, Shall from thenceforth AND from time to time thereafter be deemed and Esteemed the Highways and Roads of the Said City and County untill the Same Shall be altered by any other Law hereafter to be made in this Colony for altering the Same. And be it further Enacted by the Authority aforesaid that if any Person or Persons within the Said City and County Shall at any time after the twenty Seventh day of June aforesaid alter Stop, turn aside or Lessen any highways or Road so laid out ascertained fixed returned and registered as in and by this Act is Directed and appointed unless altered by Law as aforesaid, Every Such Person so offending Contrary to the meaning of this Act for every Such offence Shall forfeit the Sum of five Pounds Current money of this Colony to be applied by the Surveyors of the Highways Yearly to be Elected by Virtue of this Act. For every of the Aforesaid districts respectively towards the repairing the Highways or Roads in the Districts where the offence Shall happen to be Comitted and to be recovered before any two of his Majestys Justices of the Peace of the Said City and County by the Oaths of two Lawfull and Credible Witnesses to the Same Offence and Levyed and paid to the Said Surveyors of each Respective district as aforesaid by Warrant from the Said Justices directed to the Constable of each respective district which Constable is to levy the Same by distress on the Offenders goods and Chattles and

after Such Distress made and within four Days after Publick Notice Shall make Sale thereof, and pay the Penalty to the Said Surveyors as aforesaid and all Charges & RETURN the overplus 'f any be, to the owner or owners thereof. And be it further enacted by the Authority aforesaid, that if any Highway or Road Shall lead through any Meadow or Cornfield, the breadth of the Said Road Shall not exceed Twenty foot. And be it further Enacted by the Authority aforesaid, that the Inhabitants of the Said City and County by and through whose Lands any Highways or Roads as aforesaid Shall run and be fixed and Ascertained in manner aforesaid are hereby Obligated to Clear and maintain the Same in good repair by Cutting and Stubing the Brush up pulling the Stones that Can be Carried out, the breadth of a rodd and the Limbs of Trees, hanging over the Said highways or Roads to be Lop'd of, and carried away and to that end the Surveyors of the Highways in the Said County annually Chosen, are hereby 'Authorised and required twice in every Year to give Notice to the Inhabitants of the respective places, for which they Shall be Chosen and that three days before hand, that the Said Inhabitants do Assemble to Clear Levell and amend the Said Highways or Roads respectively, and that not Exceeding twelve Days in every Year, And every Person or Persons who Shall after Such Notice refuse or Shall Neglect to do Such Service as aforesaid, Shall for every Days refusall or neglect forfeit the Sum of three Shillings Current money of this Province to be levied by the Constable in each of the Said Precincts, Towns or mannor, by distress of the offenders goods and Chattles by Warrant of the Surveyors or the Major part of them RESPECTIVELY in each respective District as aforesaid returning the over Plus of Such Sale to the Owner or Owners, the Constable first to be paid for his paines and trouble, out of the distress as is Comon in other Cases. And be it further Enacted by the Authority aforesaid, that it Shall and may be Lawfull for the OverSeers of the Highways or Roads aforesaid, when they Shall have Occasion of any Team Cart or Waggon and a Man to Manage the Same, to Impress the Same each in their Respective District, as aforesaid which Said Team Cart or Waggon Shall be Esteemed to be for in Lieu & Stead of three Days work, for a Single Man and the fine to be proportionable that is treble to the fine hereby Imposed for the Neglect of a Single Person and every Working Man Shall be Obligated to bring Such Materialls of Spades Axes, Crowes, Pick Axes and other utensiles as Shall be direct'd by the overseer's aforesaid.

And be it further Enacted by the Authority afores'd that if any of the Comissioners appointed by this Act as aforesaid Shall refuse Neglect or Delay to put the Severall Clauses in this Act Expressed, in Execution as aforesaid, within the time before Limited if required, that then it Shall and may be Lawfull for the Justices of the Peace of the Said City and County or any two of them to appoint another Comissioner or Comissioners in the room of Such who have so refused or Neglected the Said Service, which Said Commissioner or Commissioners so named by the Justices aforesaid Shall Execute all and Singular the like Powers and Authoritys and be UNDER the Same Restrictions and Limitations and Subject to the Same Penalties as if particularly by this Act named and appointed any thing herein Contained to the Contrary hereof in any ways notwithstanding.

AND be it further Enacted by the Authority aforesaid, that the Comissioners appointed or to be appointed by Virtue of this Act, Shall have take and receive Six Shillings Current money of this Province Pr. Day as a reward for their Care and Paines in laying out regulating ascertaining and fixing the Roads and highways directed by this Act for their respective districts as aforesaid, respectively in the Same Manner and way as is appointed and provided in an Act of Generall Assembly of this Colony made in the Second Year of her late Majesties Reign Entituled an Act for laying out regulating clearing and preserving Publick Comon Highways thro'out this Colony. And be it further Enacted by the Authority aforesaid that all Waggon's Carts or other Carriage which Shall be used in any of the Highways in the County of Albany, Shall be so made, that the Space between the rut or tract, which they Shall make, Shall be from the outside of the wheel to the outside of the other wheel, four foot and Ten Inches English Measure, and no more, or no less, upon the penalty of twenty Shillings Current money of this Province, to be recovered before any of his Majestys Justices of the Peace where the fact Shall hapen to be Comitted at the Suit and to the Proffit of him or them that Shall INFORM and Sue for the Same and whereas in Pursuance of an Act of Generall Assembly Entituled an Act for the better Clearing and further laying out Highways published the twenty Seventh of July one thousand Seven hundred and twenty one, the three Comissioners appointed by the Said Act for the laying out and regulating the Comon Highways in the Mannor of Livingston in the County of Albany, have accord-

ingly laid out the Generall Kings Highway Road w'ch is appointed to be and run from New York to Green Bush over against the City of Albany, through the Said Mannor beginning at the South end thereof, till it Comes to the North end, adjoining to the Southermost bounds of the Mannor of Renslaerswyk near Nicus Janse Witbeeks, but have also laid out and regulated all the other Kings Roads that are now used in the Said Mannor, to wit the Kings Road that leads from Roelof Jansens Kill as far as the Christian Inhabitants are Settled, above the falls near Capt. Dykmans to the Generall landing place in Hudsons River at or near the griss or Corn Mills at the Mouth or outlett of Roelof Jansens Kill and the Kings Road which leads from thence to the Southermost bounds of the Mannor of Renselaerswyk towards Clavarak, where the People of Claverak are to meet the Inhabitants of the Mannor of Livingston and repair the Said Road to Clavarack, and also the Kings Road which leads from the South Limits of the Mannor of Livingston, which comes from the Land of Harman Knickerbacker deceased, through the four Palatin Towns to the Said HILLS and the Kings Road which comes from Taghkanik to the Said Generall Landing place at the mouth of Roelof Jansens Kill, And whereas the Said Comissioners have also in pursuance to the Said Act apportioned Divided and appointed how far each respective precinct or Neighbourhood in the Said Mannor Shall work on the Said Generall or other Kings Roads in the Said mannor where to begin and where to leave off, all which they have returned and given under their hands and Seales. Be it Enacted by the Authority aforesaid that the return of the Said three Comissioners in Pursuance to the Said Act relating to the laying out and regulating the respective Kings Roads in the Mannor of Livingston aforesaid, and the apportioning and Division thereof, how much and how far each Precinct or Neighbourhood Shall make and repair be hereby confirmed for the Space of Seven Years, beginning the Twenty Seventh Day of July, of this present Year, one Thousand Seven hundred and twenty three, and terminating the twenty Seventh of July in the Year of our Lord Christ, one thousand Seven hundred and Thirty and that the Said return of the three Comissioners aforesaid, be Recorded in the Records of the County of Albany by the Clerk as other returns are Directed to be recorded by Virtue of this Act. And it is hereby also provided that if the Inhabitants of Oyataak, who live to the Eastward of Said Mannor, Shall use the Road that goes from Taghkanick to the

Generall Landing Place of Said Mannor that they be obliged to help to maintain and keep the Said Road in repair as the Inhabitants of Taghkanik and Goghkomckok are Obligated to do. And it is further Enacted that the General Kings Highways through the Mannor of Livingston be four rod and the other Kings Roads in the Said Mannor Twenty foot broad and the Said Roads to be Cleared and Stubbed as above by this Act is directed, and the Surveyors of the Highways in Said Mannor do warn the Inhabitants thereof, to mend and repair the Said highways as often as they Shall See Convenient provided it exceed not so many Days Yearly as by this Act is Stipulated, this Act or any other Act to the Contrary hereof in any wise notwithstanding. And be it further Enacted by the Authority aforesaid, that the wages of the three Comissioners of the Said Mannor of Livingston for their trouble in laying out and regulating of the Highways be paid by the Inhabitants of Said Mannor and that they be Exempted for Contributing to the Wages of other Commissioners appointed by this Act, any thing Contained therein to the Contrary notwithstanding. And whereas the Surveyors of the Highways who are Yearly Chosen in the Said City and County to See the Same kept in repair are often Careless and Negligent in performing their duty, by which means the highways are not passable for Travellers. Be it therefore Enacted by the Authority aforesaid that upon the ordering of any one or more Justices of the Peace, the Said Surveyors do in three Days WARN the Respective Inhabitants to mend and repair the highways or Roads Settled and to be Settled by Virtue of this Act, and if the Said Surveyors Shall refuse & Neglect to warn the Inhabitants as aforesaid to mend and repair the Said Highways or Roads for every Such Neglect the Said Surveyors Shall pay as a fine fourty Shillings Current money of this Colony, to be adjudged by one Justice of the Peace upon the Oaths of one or more Credible Witnesses which fine Shall be applied towards repairing of the Highways or roads as aforesaid. And be it further enacted by the Authority aforesaid that the respective Inhabitants of the respective City Mannors Towns and Districts aforesaid, do once in every Year on the first Tuesday in Aprill meet together and by plurality of Voices elect and Chuse Surveyors or over Seers of the Highways for the better Executing of this Act in Such and like manner as has been heretofore usually PROVIDED that the Comissioners appointed by this Act nor any of them be Chosen for that purpose, And be it further Provided that this Act Shall only be of force for the time of Seven Years and no longer.

[CHAPTER 442.]

[Chapter 442, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 240. See chapter 373. Expired September 1, 1726.]

An Act to Revive an Act Entituled an Act to Authorize the Justices of the Peace to Build and repair Goales and Court Houses In the Severall Countys of this Province so far as it relates to Queens County.

[Passed, July 6, 1723.]

WHEREAS one Act of the Generall Assembly of this Colony pass'd in the Year one thousand Seven hundred and Nineteen, Entituled an Act to Authorize the Justices of the Peace to Build and repair Goales and Court Houses in the Severall Counties of this Province is Expired by its own Limitation and it being Necessary to build a Goale and Court House in Queens County on the Island of Nasau of larger Dimentions then the present Goale and Court House

Be it therefore Enacted by his Excellency the Governour the Council & the Generall Assembly, and it is hereby Enacted by the Authority thereof, that the aforesaid Act Entituled an Act to Authorize the Justices of the Peace to Build and repair Goales and Court Houses in this Province, Shall be and hereby is Revived and that every Article Clause and thing therein Contained, Shall be in full Force and Virtue so far only as it relates to Queens County aforesaid, from and after the Publication hereof Untill the first Day of September, which will be in the Year one thousand Seven hundred and twenty Six.

PROVIDED that the Sum or Sums to be raised in the County aforesaid for the uses and purposes beforementioned Shall not Exceed the Summ of four hundred pounds in the whole any thing herein or in the aforesaid Act Contained to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 443.]

[Chapter 443, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 231.]

An Act to Determine and take off the Reward Allowed by former Acts for Killing and Destroying Wild Catts & Foxes

[Passed, July 6, 1723.]

WHEREAS in and by Severall former Acts of the Generall Assembly of this Colony certain Premiums and Rewards were allowed to all Such Person or Persons as Should Kill or Destroy any Wild Catt or Wild Catts their Catteling or Catlings, and any Fox or Foxes, their Puppy or Puppys, payable by the Severall and

Respective County or Countys where the Same were so killed and Destroyed with a view and design to Extinguish at last to Lessen the Numbers of Such Vermin.

AND whereas many Evil Disposed Persons have often Imposed upon Some particular Countys, by bringing the Ears of Wild Cats and Foxes Killed not onely out of Such Respective County, but even out of this Colony as also the Ears of Skins bought up in the City of New York, and elsewhere and thereupon received the rewards allowed by the Said Acts, to the great hurt & Damage of the Countys where such fraud has been Comitted. For preventing of which for the Future,

BE IT ENACTED by his Excellency the Governour, Council, and the Generall Assembly and it is hereby Enacted by the Authority of the Same, That from and after the Publication of this Act no manner of PREMIUM or Reward Shall be allowed or pay'd to any Person or Persons whatever that Shall kill or Destroy any Wild Catt or Wild Catts, their Catling or Catlings or any Fox or Foxes their Puppy or Puppys after the Publication hereof, an Act past in the third year of his Majestys Reign Entituled, an Act for Destroying Wolves and Foxes in the County of Westchester as also an Act pass'd in the Said third year of his Majestys Reign, Entituled an Act to Encourage the Destroying Foxes and Wild Catts in Kings County, Queens County and County of Suffolk or any other Laws of this Colony to the Contrary hereof in any Wise notwithstanding.

[CHAPTER 444.]

[Chapter 444, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johnana Sophia Titema Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Valteau, Dina Marche, Lieven Marche, Salomon Meyers, Bartell Mieler, Yoos Sooy, John Pieter Zeuger, and Henry Mickael Cook.

[Passed, July 6, 1723.]

WHEREAS Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wess-

else, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johanna Sophia Titema Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Valleau, Dina Marche, Lieven Marche, Solomon Meyers, Bartel Mieler, Yoos Sooy, John Pieter Zeuger, and Henry Michael Cook, have by their petition to the Generall Assembly of the Province of New York, Desired that they might be Naturalized and become his Majestys Subjects.

BE IT Enacted by his Excellency the Governour Council and Generall Assembly and by the Authority of the Same, That the Said Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johannes Sophia Titema, Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andrius Trube, Jesaias Valleau, Dina Marche, Lieven Marche, Salomon Meyers, Bartel Mieler Yoos Sooy, John Pieter Zeuger, and Henry Mickael Cook, are hereby Declared, to be Naturalized to all Intents Constructions, and Purposes whatsoever; and from henceforth are and at all times hereafter Shall be Entitled, to have and Injoy all the Rights Libertys, Priviledges and Advantages, which his Majestys Naturall Borne Subjects in this Colony have and Enjoy, or of Right ought to have and Enjoy as fully to all Intents Constructions and purposes whatsoever, as if the Said Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johanna Sophia Titema, Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Valleau, Dina Marche, Lieven Marche, Salomon Myers, Bartel Mieler, Yoos Sooy, John Pieter Zeuger, and Henry Mickael Cook, had been borne within this his Majestys Province of New York.

PROVIDED always, and it is hereby Enacted, That the Said Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham

Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johanna Sophia Titema, Widow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Vallean Dina Marche, Lieven Marche, Solomon Meyers, Bartel Mieler, Yoos Sooy, John Pieter Zeuger, and Henry Mickael Cook, Shall take the Oaths appointed by Law, in Stead of the Oaths of allegiance and Supremacy, Subscribe the Test, and make repeat and Swear to and Subscribe the Abjuration Oath in any of his Majestys Courts within this Colony; which Said Courts are hereby required, upon Application to them made, to Administer the Same and take Subscriptions, and Cause the Names of the Person or Persons, so Swearing and Subscribing to be Entred upon Record, in the Said Court, For which, every one of the Said Persons are hereby required to pay, in Current money of New York the Severall Sums hereafter Mentioned, To wit, To the Speaker of the House Ten Shillings, to the Judge of the Court Six Shillings, and to the Clerk three Shillings.

AND be it further Enacted by the Authority aforesaid, That if all or any of the Said Persons having so sworne and Subscribed as aforesaid, Shall Demand a Certificate or Certificates, of his being Entred upon Record, in manner aforesaid the Said Court or Courts are hereby Directed and required to grant the Same under the hand of the Judge and Seal of the Said Court, in which they the SAID Cornelius Van Santvoord, Johannes Martinus, Van Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johanna Sophia Titema, Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Vallean, Dina Marche Lieven Marche, Salomon Meyers, Bartel Mieler Yoos Sooy, John Pieter Zeuger and Henry Mickael Cook, or any of them, Shall so swear and Subscribe as aforesaid, Countersigned by the Clerk of the Said Court. For which Certificate the Person requiring the Same, Shall pay over and above the Sums before Mentioned the Sum of Six Shillings, one half to the Judge of the Said Court or Courts and the other half to the Clerk thereof which Said Certificate or Certificates, Shall at all times be a Sufficient Proof of the Person or Persons being Naturalized by this Act, as if the Record aforesaid were actually produced by the Said Cornelius Van Santvoord, Johannes Martinus, Van

Harlingen, Pieter Stellingwerf, Abraham Roeters, Jacobus Wesselse, Abraham Ysaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson Christopher Laurence, Peter Malleville, Elizabeth Boues, Joseph Simson, Jean Mallville, Johanna Sophia Titema, Widdow of Jacobus Dekey late of the City of New York Deceased, Isaack Rodrigues, Andries Trube, Jesaias Valteau, Dina Marche, Lieven Marche, Salomon Meyers Bartel Mieler, Yoos Sooy John Pieter Zeuger, and Henry Mickael Cook or any of them.

[CHAPTER 445.]

[Chapter 445, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Catherine De Peyster
ter Geertruyd Coeyemans Sarah Gouverneur and
John Van Loo.

[Passed, July 6, 1723.]

WHEREAS Catherine De Peyster Wife of Abraham De Peyster Geertruy'd Coeyemans the Wife of Andries Coeymans Esq'r Sarah Gouverneur the Wife of Isaac Gouverneur Merch't and John Van Loo by their Peticon to the Generall Assembly of the Province of New York desired that they may be Naturalized and become his Maj'ts Subjects.

BE it Enacted by his Excellency the Governour Council & Generall Assembly and it is hereby Enacted by the Authority of the Same, That the Said Catherine De Peyster, Geertruyd Coeyemans Sarah Gouverneur and John Van Loo, be and are hereby declared to be Naturalized to all Intents Constructions and purposes whatsoever and from henceforth are & at all times hereafter shall be Entitled to have and Enjoy all the Rights Libertys priviledges and Advantages which his Majesties Naturall born Subjects in this Colony have and Enjoy, or of right ought to have and Enjoy, as fully to all Intents Constructions and purposes whatsoever as if the said Catherine De Peyster Geertruy'd Coeyemans Sarah GOVERNEUR and John Van Loo had been born within this his Majestys Province of New York.

PROVIDED always and it is hereby Enacted that the Said Catherine De Peyster Geertruyd Coeyemans Sarah Gouverneur and John Van Loo, and every of them shall take the Oaths appointed by Law instead of the Oaths of Allegience and Supremasy, subscribe the Test and make repeat and Swear to and Subscribe the Abjuration Oath in any of his Majesties Courts within this Colony which

Said Courts are hereby required upon application to them made to Administer the Same and take Subscriptions and Cause the name of her or them so swearing and Subscribing to be Entrèd upon record in the Said Court for w^{ch} they and every of them are hereby required to pay in Current money of New York the Severall Sums hereafter mentioned to witt. To the Speaker of the House ten Shillings To the Judge of the Court Six Shillings and to the Clerk three Shillings.

AND be it further Enacted by the Authority aforesaid that if He she or they so having Sworne and Subscribed as aforesaid Shall Demand a Certificate or Certificates of her or their being entred upon record in manner aforesaid, the Said Court is hereby directed and required to grant the Same, under the hands of the Judge and Seale of the Said Court in which they the Said Catherine De Peyster GEERTRUYD Coeyemans Sarah Gouverneur and John Van Loo shall so swear and Subscribe as aforesaid countersign'd by the Clerke of the said Court, for which Certificate the Persons requiring the Same shall pay over and above the Sums before mentioned the Sum of Six Shillings each, one half to the Judge of the Said Court and the other half to the Clerk thereof, which Said Certificate shall at all times be a Sufficient Proof of their and every of them being Naturalized by this Act as if the record aforesaid was actually produced by the Said Catherine De Peyster Geertruy'd Coeyemans Sarah Gouverneur and John Van Loo and every of them.

[CHAPTER 446.]

[Chapter 446, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act to Enable Thomas Dongan & Walter Dongan two surviving Kinsmen of Thomas Late Earl of Lymerick to sell some part of their Estate for payment of their Debts & discharging some Incumbrances therewith the same is now Charged.

[Passed, July 6, 1723.]

WHEREAS Thomas late Earl of Lymerick (Deceased) in his Life time being seized in fee of & in Diverse Lands Tenements & hereditaments mannors messuages & Edifices in the province of New York in America by Deeds of Lease & Release bearing date the Eighteenth & Nineteenth Days of November Anno Domini 1712 Did Convey unto Richard Barnwall & his heirs all the Lands Tenements & Heredita-

ments mannors messuages salt meadow & Edificies of him the said Thomas Earl of Lymerick or wherein he had any Right Title or interest in Possession Reversion Remainder or otherwise in the Province of New York or Elsewhere in America to the several uses & under the severall provisoes Limitation & Conditions in the said Indenture of Release mentioned Expressed & Declared Reserving to himself full Power to determine Annull make void alter or Change all or any the Estates uses trusts intents powers & Limitations by the same Indenture mentioned Declared & appointed & also full power to Limitt declare & Appoint New uses of all or any Part of the said premisses to any person or persons whatsoever AND WHEREAS the said Thomas late Earl of Lymerick by deed Indented Quinquupartite bearing date the Ninth day of May 1715 Revoked the several uses in & by the beforementioned Deed of Release Limitted & appointed AND by the said Deed of Revocation he the said Thomas Earl of Lymerick being Willing to preserve uphold & Advance the Name & family of Dongan & having no Issue of his own to Continue the same he therefore in Consideration of the Naturall love & Affection he bore to his Kinsmen John Dongan Thomas Dongan & Walter Dongan Did Limitt New uses of the same Estate so Conveyed to the said John Thomas & Walter Dongan in three Parts to be Divided the Dividend of Each of them being severally & Distinctly Limitted to them for Life with Remainder to their severall sons in Tale Male with Cross Remainders to Every of them and by the same Deed Limitted Remainders to the Said Richard Barnwall & his heirs to Support & preserve the severall Contingent Estates and uses thereby Limitted from being Defeated or Destroyed & in Case the said John Thomas & Walter Dongan or their severall sons should dye without Issue or heirs Males so as they or their Issue fail of Sons & heirs Males then all & Singular the Premisses thereby granted should be to the use of such person & persons & for such Estate & Estates as the said Thomas Late Earl of Lymerick should by Will or any other writing under his hand & seal Limitt & Appoint AND WHEREAS the said Thomas Earl of Lymerick together with the said Richard Barnwall by an Instrument under their hands & seals bearing Even date with the Aforesaid Indenture Quinquupartite & Reciteing the same & also that since the Perfection thereof all the parties to the same had Considered that there were some Debts due & owing, from the said Thomas Earl of Lymerick which would Affect some part of the Lands Conveyed by the said Deeds of Lease & Release to the said Richard Barnwall they the said Thomas Earl of Lymerick & Richard Barnwall for the Dis-

charge of the said Debts & in Respect of the said Deeds Indented Quinquupartite which was only a voluntary provision made by the said Earl for his said Kinsmen & that it was Requisite to pay off the said INCUMBRANCES for the benifit of the Issue of the said John Thomas & Walter Dongan Did Constitute & appoint the said John Thomas & Walter Dongan their True & lawfull Attorneys for them & in their Names to sign seal & Execute one or more Conveyance or Conveyances of any part or parts of the said Lands so Limited in use to the said John Thomas & Walter Dongan as aforesaid in which Conveyance they and every of them were to joyn according to their Respective Rights & Titles to the said Lands tenements & hereditaments provided that such Conveyance did not Exceed the Number of three hundred Acres out of the Particular Estates or Dividend of Each Singular Party as aforesaid AND WHEREAS the said John Dongan being since Dead they the said Thomas Dongan & Walter Dongan in pursuance & by Virtue of the said Power of attorney have sold & Conveyed away so much of the said Lands as thereby they had power to do & yet the moneys Arising by such sale fell far short of the Debts wherewith the s'd Estate was Incumbred AND WHEREAS before the making of the same Lease & Release first mentioned he the said Thomas Earl of Lymerick Gave full power to William Nicoll to Let & Lease out all or any part of the said Lands & premises who by Virtue thereof had Lett great Part of the said Lands & Premises unto severall persons for Ninety nine years or three Lives Reserving for some years in the begining of the terms Annually a pepper Corn only & the Remainder of the terms very small & Inconsiderable Rents so that when they the said Thomas & Walter after Johns Decease Came into this Country to take Possession of the said Lands & Premises & Depending wholly upon the Income of the said Estate for their Maintenance & support as was Intended by the said Settlement found the Greatest part thereof so Leased out as aforesaid by means whereof they the said Thomas & Walter Dongan were under a Necessity of Contracting several Debts to severall Persons within this Province for their support & Maintenance from that time hitherto the Income of the said Estate not in any measure Coming near to Answer the End intended by the said Settlement and also the Quit Rents Reserved out of the said Lands to the Crown they the said Thomas & Walter not being able to pay the same out of the Income are in Arears for severall years past & now amount unto a Large sum And Whereas the said Thomas Earl of Lymerick is since Dead & the said Thomas Dongan & Walter Dongan have not nor Either of them hath any Estate wherewith Either to Satisfye their said Debts or to pay the Quit Rents now in Arrear nor will be any ways able to Extricate themselves from

their present Difficulties without the Assistance of an Act of Assembly to Enable them to sell Part of the said Lands so settled as aforesaid. AND WHEREAS they the said Thomas & Walter Dongan have not bin nor are they able to Improve any part of the said Estate for Want of Moneys & Necessarys to Carry on the same NOW FOR AS MUCH as the same Debts do so daily Increase by addition of Interest that in a short time the said Thomas & Walter Dongan & their familys will be in Great Danger to be Ruined & yet severall of their Creditors be Defeated of their Debts May it therefore Please your Excellency at the humble suit of the said Thomas Dongan & Walter Dongan as well on the behalf of themselves as of their Creditors to vouchsafe that it may be Enacted And be it Enacted by his Excellency the Governour Council & General Assembly & it is hereby Enacted by the Authority of the same that for the uses Intents & purposes aforerecited part of the said Lands Tenements & hereditaments so settled as aforesaid To witt A Quantity not Exceeding Two thousand Acres thereof lying & being in Richmond County in the Province of New York Together with all houses Comons & Comon of Pasture hedges Fences Timber trees Profitts Comoditys hereditaments & Appurtenances whatsoever to the same Two thousand Acres or any Part thereof belonging or Appertaining or Accepted Reputed taken used occupied or Enjoyed As part parcell or Member thereof shall from and after the Expiration of one Month after the Publication of this Act be Actually Vested & settled in May Bickley of New York Gentleman Collonel, John Stilwell, and them the said Thomas and Walter Dongan of Richmond County aforesaid.

THEIR heirs & Assigns and that from & After the said Expiration of one Month after the Publication hereof the said May Bickley John Stilwell, Thomas Dongan & Walter Dongan shall be Adjudged & taken to be Seized thereof and of Every part thereof to them their heirs & Assigns and may hold and Enjoy the same free from all & any Estates uses Limitations Remainders Charges or Provisoos had & made in and by the said Indenture Quinquupartite or any otherwise howsoever upon Trust Nevertheless that the said May Bickley, John Stilwell, Thomas Dongan & Walter Dongan and the survivor and survivors of them and their heirs shall Imploy the Money Arising by the sale thereof to and for the uses and Purposes hereinafter mentioned And to & for no other use or Purpose Whatsoever.

AND be it further Enacted by the Authority aforesaid that within fourteen Days after the Publication hereof there be Publick Advertisements affixed up at the most usuall & publick places in the City of New York by the Said May Bickley, John Stilwell, Thomas Don-

gan, & Walter Dongan or Either of them that all Persons who have any Debt or Debts Due from the said Thomas Dongan or Walter Dongan or Either of them or that have any thing Due wherewith the Said Lands & Real Estate of the said Earl of Lymerick is or are Chargeable by Law may bring in their Demands unto the said Trustees May Bickley & John Stilwell within Six months after the putting up such Advertisements And all the Demands which shall be brought in Pursuance thereof unto the said May Bickley & John Stilwell or Either of them & by the severall Creditors be made Appear unto the said Trustees to be Legally Due & Chargeable on the said Estate or upon the said Thomas Dongan or Walter Dongan shall be paid & Satisfyed together with the Growing Interest thereof by them the said Trustees out of the first moneys arising by the sale of the Aforesaid two thousand acres of Lands or out of such Part of Parcells thereof as shall be sold or Disposed of by Virtue of this Act.

And that the moneys arising by such sale as aforesaid may be bona fida EMPLOYED for the ends before mentioned and according to the true intent & meaning hereof. Be it further Enacted by the Authority Aforesaid, That all the money which shall arise & become due by the sale of the beforementioned two thousand acres of Land or any Part or Parcell thereof Shall be Received by & Pay'd unto the aforesaid May Bickley & John Stilwell & that they the said May Bickley & John Stilwell shall Employ the same To and for the uses & purposes hereundermentioned & to and for no other uses or Purposes whatsoever. That is to say To & for the payment & Satisfaction of all the severall Debts owing by the said Thomas Dongan & Walter Dongan in Manner aforesaid Together with the Interest due or to become Due thereon & also to & for the Payment & Discharge of the Quit Rent & all such other Demands as the said Reall Estate of the aforesaid Earl of Lymerick is chargeable with by Law and that then all the Residue of the moneys arising in Manner aforesaid shall be Paid & Delivered up unto the above named Thomas Dongan & Walter Dongan the better to Enable them to Improve the Remaining part of the Lands & premises so settled upon them as aforesaid. The said May Bickley & John Stilwell first Deducting to themselves all such Charges & Expences as shall arise on the sale of the abovementioned Two thousand acres of Lands or on such Part or Parcells thereof as Shall be Actually Sold & Disposed of by virtue of this Act.

And it is hereby further Enacted by the Authority aforesaid That all & every Person and Persons To whom all or any part or parts of the said two thousand Acres of Land Shall by them the said May Bickley, John Stilwell, Thomas Dongan & Walter Dongan or

the survivor or Survivors of them be sold & Conveyed & their heirs & Assigns shall & may from time to time & at all times for ever hereafter Such Sale & Conveyance so to be made as aforesaid Quietly freely & Peaceably have hold use occupy possess enjoy & keep all & every Such Part or Parts of the said two thousand acres of Land as to them or any of them Shall by them the said May Bickley John Stilwell Thomas Dongan & Walter Dongan or the Survivor or Survivors of them be So sold & CONVEYED without any Lawfull Lett Suit Trouble Eviction or Molestation of or by Any Person or Persons whatsoever Claiming or to Claim any Estate Right Title or Interest of in or to the said Two thousand Acres of Land or any Part thereof by from or under the said Thomas late Earl of Lymerick or by from or under the said Thomas Dongan & Walter Dongan or Either of them the said Recited Deeds of Settlement or any other Deed or Writing touching or Concerning the said Lands made & Executed by the said Lord of Lymerick in any wise notwithstanding Saving Nevertheless unto all Bodies Corporate & Pollock & to all other Person or Persons whatsoever their & every of their Claimes Rights Titles & Interest in & to the Lands to be Sold by Virtue of this Act or any Part or Parts thereof as fully & Absolutely to all intents Constructions and Purposes as if this Present Act had Never Passed any thing therein Contained to the Contrary in any wise notwithstanding This Act not to be in force untill it Receives his Ma'tys Royal Approbation.

THE SEVENTEENTH ASSEMBLY.

Thirteenth Session.

(Begun May 15, 1724, 10 George I, William Burnet, Esq., Governor.)

[CHAPTER 447.]

[Chapter 447, of Livingston & Smith, where a portion of the act is printed. Chapter 447, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 261.]

AN ACT FOR RAISING AND LEVY-
ING the Sum of SIX THOUSAND SIX
HUNDRED AND THIRTY POUNDS for
the Supplying the Deficiencies of his Majesties
Revenue and for the several uses and purposes
therein mentioned and for making of Bills of
Credit to be Issued for that Value.

[Passed, July 24, 1724.]

WHEREAS not only the funds apply'd for the GENERAL Support of his Majesties Government in this Colony have lately proved

Deficient but the Levies made by Virtue of an Act of the General Assembly of this province pass'd in the Year One Thousand Seven hundred and twenty three Entituled an act for Raising and Levying the Quantity of Five Thousand three hundred and fifty Ounces of Plate for the uses therein mentioned and for Striking and making Bills of Credit for that Value have not so far answered the End but that there still remains a Considerable deficiency in his Majesties Revenue by which means Several Sallarys of the officers of this Government will remain unpaid if provision be not made to Supply the said deficiency by an Extraordinary Levy upon the Inhabitants of this Colony.

AND WHEREAS upon a Survey of the Buildings in his Majesties ffort in the City of New York they are found to be very much out of Repair and will Some of them fall down and become ruins if not timely prevented And there being at present no money in the Treasury of this Colony to defray the Charges of Repairing them it is necessary to make an Extraordinary Levy for that purpose.

AND WHEREAS Bills of Credit to the Value of Twelve hundred pounds Struck in the Year One Thousand Seven hundred and fifteen and which by Several Subsequent Acts were Continued Current until the first day of July in this Present Year One thousand Seven hundred and Twenty four and the funds for the General Suport of his Majesties Government proving Deficient to Sink and Cancel the said Bills Makes it also necessary to Raise an Extraordinary Levy for that purpose.

AND WHEREAS Ambrose Phillips and George Bamfield Esq's late Agents for this Province at the Court of Great Britain have been at Several Charges and Disbursements for the Service of this Colony which with the Sallarys Appointed by this Government to be Given to the said Agents Still remains unpaid and cannot be discharged unless the Sums Due and payable to the said Agents be raised on the Inhabitants of this Province.

AND WHEREAS the Incouraging and promoting a Trade with the more remote Nations of Indians and Securing the five Nations of Indians in his Majesties Interest will be not only of great Advantage to the Trade and prosperity of this Colony But be Attended with great and good Consequences for his Majesties Service in Extending the English Empire in this part of America and Rendering those Nations more Dependent on the Crown of Great Britain And it having found by Experience that the Sums hitherto raised for that purpose have been So well and effectually Employed and Attended with So Suitable a Success that a less Expençe than

heretofore used is now Judged Sufficient to promote the end proposed and for which an Extraordinary Levy is Absolutely Necessary.

AND WHEREAS it will be a Considerable time before the Several Sums of money by this Act intended and appointed to be raised and Levyed can be Collected and gathered So as to be paid unto the Treasurer of this Colony in order to be by him Issued for the purposes hereinbefore mentioned And his Majesties Buildings in the ffort being in Such ruinous Condition as to Admit of no Delay in the reparation of them The officers of the Government put under difficulties to Subsist for want of the Sallaries due to them and which must remain a long time unpaid and the loss and disadvantage that May arise and perhaps prove Irepairable if the Opportunities of Engaging the more remote nations of Indians be not soon made use of renders it necessary to Strike and make bills of Credit upon the funds Arising by this Act to be immediately paid to Workmen and for Materials to be imploy'd in the s'd Reparations and to the said officers in want of their Sallaries and to Such Agents or persons and for Such goods as his Excellency the Governour of this Province Shall Judge most proper and Suitable for the Gaining the Affections of the said Remote Indians and the Retaining the Interest already gained amongst them. The making and Cancelling of which Bills will be Attended with a Charge and Expence necessary also to be provided for by a Levy on the Inhabitants to discharge the Same

IN order therefore to Answer all these good Ends and purposes and to provide for the Same in the most effectual Manner

BE IT ENACTED by the Governour Council and General Assembly of this Province and it is hereby Enacted by the Authority of the Same That the Sum of Six Thousand Six hundred and Thirty pounds in Lyon Dollars Sevil Pilar Mexico plate or Bills of Credit hereby made Current in this Colony to the Value thereof Shall be assessed Raised and Levyed upon the Estates Real and personal of all and every the freeholders Inhabitants and residents within this Colony and is hereby given to his Majestie his heirs and Successors To and for the uses and purposes before mentioned and no other use or purpose whatsoever And Shall be Collected and paid in the manner following that is to say The Sum of One Thousand Six hundred and fifty Seven pounds Ten Shillings on or before the first day of May which will be in the Year of our Lord One Thousand Seven hundred and twenty five The like Sum of One Thousand Six hundred and fifty Seaven pounds ten Shillings on or before the first Day of May which will be in the Year of our Lord One Thousand

Seven hundred and twenty Six The like Sum of One Thousand Six hundred and fifty Seven pounds ten Shillings on or before the first Day of May which will be in the Year of our Lord One Thousand Seaven hundred and Twenty Seaven, And the like Sum of One Thousand Six hundred and fifty Seaven pounds ten Shillings on or before the first day of May which Shall be in the Year of our Lord One Thousand seaven hundred & twenty Eight Which said Quantities of One Thousand Six hundred and fifty Seven pounds ten Shillings aforesaid hereby Appointed to be annually paid on the days and times before mentioned Shall be Yearly Raised Levy'd and paid by the freeholders Inhabitants and Residents in the Several and respective Counties and Cities within this Province during the four Years before mentioned according to and in the Quota's and proportions following that is to Say.

By the City and County of New York the Sum of Five hundred and fifteen pounds two Shillings and Sixpence Yearly and every Year during the said four Years

By the City and County of Albany the Sum of Two hundred and Ten pounds two Shillings and Six pence Yearly and every Year during the said four Years.

By the County of Kings County the Sum of One hundred and ten pounds ten Shillings Yearly and every Year during the Said Four Years

By the County of Queens County the Sum of Two hundred pounds Yearly and every year during the said four years

By the County of Suffolk the Sum of Two hundred pounds Yearly and every year during the said four years

By the County of Richmond the Sum of Ninety three pounds Seaven Shillings and Six pence Yearly and every year during the said four Years,

By the County of Westchester the Sum of One hundred and fifteen pounds five Shillings yearly and every year during the said four years

By the County of Ulster the Sum of One hundred and thirty pounds twelve Shillings and Six pence Yearly and every year during the Said four years

By the County of Orange the Sum of forty one pounds five Shillings Yearly and every Year during the Said four Years and by the County of Dutchess the Sum of Forty one pounds five Shillings Yearly and every year during the said four Years.

AND BE IT FARTHER ENACTED by the authority aforesaid That all the several Collectors for the time being within this

Colony shall Annually during the four Years before mentioned Pay the respective Collections to be made by them by Virtue of this Act unto the Treasurer of this Colony for the time being on or before every first day of June which shall be in every of the said four Years beforementioned And the said Treasurer is to give unto every Such Collector Receipts gratis for the respective Sums so to be paid by them And the said Receipts shall be a good and Sufficient discharge in the Law to every of Such Collectors for so much as Shall therein be mentioned and express'd

AND BE IT FARTHER ENACTED by the authority aforesaid That for the better Assessing Collecting and Receiving of the Said Sum of Six Thousand Six hundred and thirty pounds The Mayors and Aldermen of the Citys of New York and Albany and the Justices of the peace or the Major part of them for the time being for the several & respective Countys within this Colony Do on or before the first Tuesday in the Month of February during the aforesaid four Years Meet and assemble together in the Court houses of the Several and respective Citys and County or Such other place and places as they shall Agree Among themselves And there Order by Warrants under their hands and Seals the Assessors and Collectors for the Respective Citys Towns Mannors Libertys Islands Wards and precincts within their Several Jurisdictions for the Assessing and Collecting of the Publick Rates for Defraying of the Publick and necessary Charge of each respective City and County to Assess and Collect in manner aforesaid their and every of their respective Quota's on or before the Respective days and times herein before mentioned during the Term of the four years above mentioned.

AND BE IT FARTHER ENACTED by the Same Authority That in Case any Mannor Town Liberty or Precinct within any of the Respective Countys Do or Shall omit refuse or neglect Annually to Chuse or Elect Assessors or Collectors during the aforesaid four years whereby the Intent of this Act might be Eluded or defeated That then and in Such Case any three or more of the Justices of the peace for the County where Such omission Refusal or neglect shall happen are hereby required Impowered and authorized to Nominate and appoint Assessors and Collectors for Such Mannors Towns Libertys and precincts which Assessors and Collectors Shall to all Intents Constructions and purposes have the Same powers and observe the Directions of this Act as any other Assessors and Collectors are hereby obliged and enjoyned to Do

AND BE IT FARTHER ENACTED by the Authority aforesaid That the Said Mayors and Aldermen of the Citys of New York

and albany and the Justices of the peace in every County or the Greater Number of them Shall have full power and Authority by this Act and thereby are required to Administer an Oath to the Said Assessors Respectively That they shall and will well, Truly, Equally, and Impartially and in due proportion According to the best of their skill and Understanding Assess and Rate the freeholders Inhabitants Residents and Sojourners of the respective places for which they shall be Chosen or appointed assessors.

AND BE IT FARTHER ENACTED by the authority aforesaid That if any Mayor Alderman or Justice of the peace within this Colony (who are hereby required Impowered and Authorized to take effectual Care that this Act be duly Executed according to the true intent and meaning thereof) Shall Deny refuse neglect or delay to Do perform and Execute all or any of the Dutys Powers and Authoritys by this Act required by him or them to be done and performed and Shall thereof be lawfully Convicted before any of his Majesties Courts of Record within this Colony he or they shall for Such or any of such offences Suffer such paines and Penalties by Fines or Imprisonment as by the Discretion of the Justices of the said Courts Shall be adjudged

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any person or persons who Shall be Chosen or appointed Assessors or Collectors in manner hereinbefore mentioned Shall Deny Neglect or unequally & partially Assess or refuse to make such Assessments as by this Act is required, or Shall Deny Neglect or refuse to Collect any Sum or Sums of money in form before mentioned Lay'd Tax'd and Assess'd and thereof be Convicted before any two Justices of the peace of the Citys and Countys where such offender Shall dwell or reside (who are hereby required And Impowered to hear Determine and do the Same) Shall by warrant under the hands and Seals of Such two Justices of the peace be Committed to the Common Goal, there to Remain without Bail or Mainprize till he and they shall make fine and Ransom for Such Contempts as aforesaid.

And if any person or persons within this Colony shall refuse or delay to pay the Several Sum and Sums of money Appointed by this Act, and assess'd in Manner aforesaid for Such person or persons to pay upon Demand made by the Collector of the place where Such person or persons Shall Dwell or reside It Shall and may be Lawful to and for Such Collector for nonpayment thereof To Distrain Such person or persons So refusing Delaying or Neglecting by his or their Goods and Chattles and the Distress So taken to keep by the Space

of four Days at the Cost and Charges of the owners thereof And if the Owner Do not pay the Said Sum and Sums of Money so Distraigned for within the Said four Days Then the Said Distress to be publickly Sold by the said Collectors for the payment of the said Money And the Overplus coming by the said Sale (if any there be) over and above the Charge of taking keeping and Selling the said Distress to be Immediately restored to the Owner thereof.

And to the End the full Sum Intended to be raised and Levy'd by Virtue of this Act may remain effective and Compleat Be it Enacted by the Authority aforesaid That over and above the Several Quota's Laid by this Act there shall during the said four Years be raised levyed and Collected the Sum of fifteen pence on each pound of the Quota So laid as aforesaid to be assess'd levyed and raised with the said Quota's Nine pence on each pound of which to be retained in the hands of the Collectors as a Reward for their trouble in Collecting and paying the same and the remaining Six pence on each pound to be paid to the Treasurer and by him retained in his hands as a reward for his Service in Receiving Paying and Cancelling the Money to be raised by this Act And keeping accounts of the same

IT IS FARTHER ENACTED by the Authority aforesaid That the sum of Two Thousand five hundred and Twenty one pounds fifteen Shillings and three farthings part of the money hereby Intended and directed to be raised and paid unto the Treasurer of this Colony Shall be by the said Treasurer Issued and paid to the Several officers of this Government to discharge those Warrants that have been or Shall be Drawn by his Excellency in Council upon the Treasurer of this Colony and made payable to the said officers for their Several and respective Sallaries The said Sum of Two Thousand five hundred and Twenty one pounds fifteen Shillings and three farthings being hereby given to his Majestie to Supply the Deficiencies in his Revenue and to Enable his Majestie to pay and Discharge the Warrants aforesaid And a Receipt from any of the said officers Endorsed on the said Warrants Shall be to the said Treasurer a full Sufficient & effectual Discharge in the Law to all Intents and purposes whatsoever for so much money as Shall be mentioned in Such Warrant and Receipt.

AND BE IT ALSO ENACTED by the authority aforesaid That the Sum of Two Thousand pounds other part of the money hereby Intended and Directed to be raised and paid into the hands of the Treasurer of this Colony Shall be by the said Treasurer Issued and paid to Such person or persons as

his Excellency the Governour or the Commander in Chief of this province for the time being Shall by his Warrants Drawn In Council by and with the advice And consent of his Majesties Council Order and direct for the payment of workmen and for materials to Repair his Majesties Buildings in the ffort of New York and to and for no other use or purpose whatsoever and the Receipt of any of the workmen or persons to whom any Such Warrant Drawn as aforesaid Shall be made payable Shall be to the Treasurer of this Province for the time being a full Sufficient and effectual Discharge in the Law to all intents and purposes whatsoever for Such Sum of Money as Shall be mentioned in the said Warrant and Receipt.

AND to the End Materials may be bought and procured at the best hand and able Workmen Employed in Repairing the Buildings within his Said Majesties Fort The General assembly Pray that it may be Enacted AND BE IT ENACTED by the authority aforesaid That Alderman Jacobus Kip and Mr. Cornelius Van horne Shall be the Managers for Buying up and procuring of all the necessary Materials and for Employing able Workmen for the purposes aforesaid And that they may be thereto effectually Enabled That his Excellency Issue his Warrant or Warrants on the Treasurer of this Colony payable to the said Managers for Such Sums of Money out of the said Two Thousand pounds as his Said Excellency by and with the advice and Consent of his Majesties Council from time to time shall Judge Proper for the purposes aforesaid. And for the Sums of money so to be received by the said Managers and employ'd by them in Manner aforesaid they the said managers shall be allowed after the rate of five pounds per Cent or one Shilling in the Pound to be paid out of the aforesaid Two Thousand pounds And to the End the said Money may be duly employ'd to and for the Purposes aforesaid The said Managers Shall give Such good and Sufficient Security for their due Disposition thereof as to his Excellency and Council Shall seem meet And the said Managers shall from time to time Lay before his Excellency and Council Accounts of their Disposition of the Money So as aforesaid to be received by them from time to time which accounts shall also be laid before the General Assembly if at any time Required All which shall be good and effectual Any thing in the before going Clause to the Contrary hereof in any wise Notwithstanding.

AND WHEREAS the Sum of Twelve hundred pounds other part of the money Intended and Directed to be raised by Virtue of this

Act and paid to the Treasurer of this Colony is by the said Treasurer to be Issued and apply'd to the Sinking Cancelling and Destroying Such Bills of Credit of this Colony as were Struck in the year One Thousand Seaven hundred and fifteen and by Several Subsequent Acts of the General Assembly of this Province continued to be Current till the first day of July in this present year One Thousand Seaven hundred and twenty four

BE IT THEREFORE ENACTED by the Authority aforesaid That Bills of Credit to the Value of the said Twelve hundred pounds hereby made Current Shall by the said Treasurer be given in Exchange for such Bills of Credit whose Currency Ceased and Determined on the Said first day of July to any person or persons possess'd of the same And Shall accordingly Sinke Cancel and Destroy the Said Bills so received in Exchange for the Bills of Credit made Current by this Act In the manner and method Directed in and by an Act Entituled an Act for a Supply to be granted to his Majestie for Supporting his Government in the Province of New York and for Striking Bills of Credit for that purpose Pass'd in the first year of his Majesties Reign.

AND BE IT ENACTED by the authority aforesaid that the sum of Two hundred pounds Other part of the money hereby intended and directed to be raised and paid to the Treasurer of this Colony Shall be by the Said Treasurer Apply'd to the Payment of Ambrose Phillips Esq'r late Agent for this Colony at the Court of Great Britain or to his Lawful Attorney and the Receipt of the Said Ambrose Phillips or his Said Lawfull Attorney Shall be to the Said Treasurer a full Sufficient and effectual Discharge in the Law to All intents and purposes whatsoever for the Said Two hundred pounds

AND BE IT ENACTED by the Authority aforesaid that the Sum of four hundred pounds out of the money hereby intended and Directed to be raised and paid to the Treasurer of this Colony Shall be by the Said Treasurer Apply'd to the Payment of George Bamfield Esq'r one of the Agents for this Province at the Court of Great Britain for his Sallary and Disbursement for the Service of this Colony and the Receipt of the Said George Bamfield or his Lawfull Attorney shall be to the Said Treasurer a full Sufficient and effectual Discharge in the Law to all intents and purposes whatsoever for the Said four hundred pounds.

AND BE IT ENACTED by the Authority aforesaid that the Sum of Two hundred pounds other part of the money hereby intended and Directed to be raised and paid to the Treasurer of this Colony

for the promoting and Encouraging a Trade with the more Remote Nations of Indians And Securing the five Nations of Indians in his Majesties Interest Shall be drawn out of the Said Treasurers hands by Warrants Drawn by his Excellency in Council by and with the Consent and advice of his Majesties Council here and not otherwise to be apply'd to the said use and purpose and to or for no other use or purpose whatsoever.

AND BE IT FARTHER ENACTED by the Authority aforesaid That the Sum of One hundred and Eight pounds four Shilings and Eleven pence farthing being the Remainder of the Money hereby Directed and Enacted to be Raised and paid to the Treasurer of this Colony Shall by him be paid in the manner following that is to Say

To William Bradford for the Services hereinafter Directed to be done and performed by him The Sum of Three and Thirty pounds four Shillings and Eleven pence farthing in Bills of Credit to be made Current by this Act And to the five Signers of the Said Bills the Sum of Seaventy five pounds as hereinafter Shall be directed

AND WHEREAS the Money hereby Enacted to be raised and Levyed cannot be Collected and paid to the Treasurer of this Province in Such Convenient time as will be necessary to Answer the purposes aforesaid in order therefore to make a more Speedy and effectual provision for all the purposes beforementioned.

BE IT ENACTED by the Governour Council and General assembly of this Province and it is hereby Enacted by the Authority of the Same That Bills of Credit to the Value of Six Thousand Six hundred and Thirty pounds be forthwith Printed made and Issued upon the Credit of the Money to be raised and Levyed by Virtue of this Act that is to Say.

Two hundred and fifty Bills of the Value of Three pounds twelve Shillings each Bill

Three hundred and Eighty Bills each Bill of the Value of Three pounds four Shillings

Eight hundred Bills each Bill of the Value of One pound twelve Shillings

One Thousand four hundred and Ninety five Bills of the Value of fourteen Shillings each Bill

Three Thousand Bills each Bill of the Value of Seven Shillings and Six pence

Four Thousand Bills each Bill of the Value of Three Shillings and Nine pence and

Five Thousand Bills each Bill of the Value of One Shilling and three pence

Upon each and every one of the Said Bills shall be Impress'd on the Left Side thereof the Arms of the City of New York and Shall be in the form following that is to Say

This Indented Bill Due from the Colony of New York to the possessor Shall pass in all payments for pursuant to an Act of the Governour Council and assembly of the said Colony Dated the Tenth Day of July One Thousand Seven hundred & twenty four

AND BE IT ENACTED by the Authority aforesaid That every of the Said Bills of Credit hereby made Current Shall besides the Value mentioned in the Body of the Bill have on the top of them in Words at Length and at the bottom of them in figures on the Right and left side Express'd the Value they are to go Current for and Shall be Indented Numbered and Signed by David Provoost Johannes Jansen Jacobus Kip John Cruger and Gerardus Beekman or any three of them which Said Signers Shall each of them receive the Sum of fifteen pounds in Bills of Credit made Current by this Act as a Reward for their Signing the said Bills with their Counterparts And for their Service in Sinking and Destroying the Said Bills And their receipts respectively for the Sums abovementioned Shall be a good and Sufficient discharge to the Treasurer for the Same.

AND BE IT ENACTED by the authority aforesaid That Abraham DePeyster the present Treasurer of this Colony in whose hands the Stamps of the Arms of the City of New York are Deposited Shall in the presence of the Signers aforesaid or the greater part of them Deliver the Said Stamps to William Bradford printer who is hereby appointed to print the Said Bills and on them to Impress the Said Arms as herein is before directed which when done the said Bradford shall redeliver to the Said Treasurer the Said Stamps in the presence of the Signers aforesaid or the Major part of them and the Receipt of the said Treasurer Shall be to the Said Bradford a Sufficient discharge for the Same And the Said Printer is hereby required & directed to Deliver to the Signers hereby Appointed to Sign the Said Bills every Bill of Credit by him printed and Shall upon his Delivery of the Said Bills take an Oath upon the holy Evangelists That the Bills of Credit by him then Deliver'd are all and every the Bills of Credit by him printed by Virtue of this Act And that neither he the Said Bradford nor any person by his Consent privity or procurement has directly or Indirectly printed any other or more of them than is there by him Delivered which Oath all or Some one of the Signers are and is hereby impowered required and Directed to Administer and the Said Printer shall receive from the Treas-

urer of this Colony the Sum of Thirty three pounds four Shillings and Eleven pence farthing in Bills of Credit hereby made Current as a Reward for his printing the Said Bills of Credit with their Counterparts and providing of pens and Ink to Sign the Same.

AND BE IT ALSO ENACTED by the Authority aforesaid That the persons herein appointed for Signing of the Said Bills of Credit Shall take an Oath before any one of the Aldermen of the City of New York for the true Signing and Delivering of all the s'd Bills of Credit in the fform following to wit That they the Signers or the greater Number of them alive Will truly Sign all the Bills of Credit intended to be Struck and Issued by Virtue of this Act and no more Except impowered by an Act of Assembly of this Province So to do and that they will Deliver unto the Treasurer of this Colony for the time being all the Bills of Credit so Signed by them, And no more than the Number mentioned in this Act and of the Same Value according to the true intent and meaning thereof. And if it Shall happen that any Supernumerary Bills Shall be left after the said Number Shall be Delivered to the Treasurer in manner as aforesaid all Such Supernumerary Bills Shall be burnt and Destroyed by the Said Signers in the presence of the Treasurer of this Colony

AND BE IT FARTHER ENACTED by the Authority aforesaid that the Bills of Credit Enacted and appointed by this Act to be Current Shall be received by the Treasurer of this Colony in all publick payments and for any fund at any time in the Treasury and by any person within this Province in all Cases whatsoever during the time they are Enacted to Continue and be as effectually Current as any other Bills of Credit made Current in this Colony by any Act of the General Assembly of the Same and any person refusing to take them in payment (During the time hereby appointed for the said Bills to be Current) for any Sum due or hereafter to become due or for any contract already made or hereafter to be made, or for any Consideration whatsoever, for any effects or Services already Delivered or performed or hereafter to be Delivered or Performed shall be Lyable and is hereby made Lyable and Subjected to all the Penalties and forfeitures Contained in any or all the Acts of the General Assembly of this Colony at any time Enacting and enforcing the Currency of Bills of Credit as fully to all Intents Constructions and Purposes whatsoever as if the words of all or any of the Acts aforesaid Relating to the Bills of Credit or Enacting and enforcing the Currency of the Bills of Credit in them mentioned had been particularly Express'd or transcribed and herein and hereby Enacted.

AND BE IT ENACTED by the Authority aforesaid that if any person or persons whatsoever Shall presume to Counterfeit any of the Bills of Credit made Currant by this Act or Shall alter any of the Said Bills made Currant as aforesaid So that they Shall appear to be of Greater Value than by this Act the Same Bill or Bills So altered were Enacted Signed or Numbered to pass Current for, or Shall knowingly pass or give in payment any of the Bills aforesaid So Counterfeited or altered Every person guilty of Counterfeiting or altering any of the Said Bills as aforesaid or of knowingly passing or giving in payment any such Counterfeit or altered Bill Shall be guilty of felony and being thereof Convicted Shall Suffer the pains of Death without the benefit of Clergy.

AND BE IT ENACTED by the Same Authority that the Bills of Credit aforesaid herein and hereby Directed to be made Current Shall be Sunk Cancell'd and destroyed by the Treasurer of this Colony for the time being in the presence of the Signers aforesaid or the greater Number of them that Shall be then alive on the days and times hereafter mentioned that is to Say So many of the said Bills of Credit as Shall amount to the Sum of One Thousand Six hundred and fifty Seaven pounds ten Shillings being one fourth part of the Value of all the Bills made Current by this Act on or before the first Tuesday in the Month of august which will be in the year of our Lord One Thousand Seaven hundred and twenty five So many other of the Said Bills as Shall Amount to the Sum of One Thousand Six hundred fifty Seaven pounds ten Shillings aforesaid being one other fourth part of the Value of the Said Bills made Current by this Act on or before the first Tuesday in the Month of August which will be in the Year One Thousand Seven hundred and twenty Six So many of the Said Bills of Credit as Shall Amount to the Sum of One Thousand Six hundred and fifty Seaven pounds Ten Shillings being one other fourth part of all the Bills made Current by this Act on or before the first Tuesday in the Month of August which will be in the Year One Thousand Seaven hundred and Twenty Seaven And all the Remaining Bills Amounting to the Value of One Thousand Six hundred and fifty Seaven pounds ten Shillings being the other and last fourth part of the money hereby raised Shall be burned and destroyed on the first Tuesday in the Month of August which will be in the Year of our Lord one Thousand Seaven hundred and Twenty Eight.

AND WHEREAS it may so happen that some of the said Bills may after the said first Tuesday in the Month of August which will be in the Year of our Lord one Thousand Seven hundred and Twenty Eight be and remain in the hands of private persons So that they cannot Conveniently be brought to the Treasurer of this Colony in order to be destroyed on the said first Tuesday of August One Thousand Seaven hundred and twenty Eight

BE IT THEREFORE ENACTED by the Authority aforesaid that any person or persons who Shall on the said first Tuesday of August or on or before the first day of July which will be in the Year of our Lord One Thousand Seaven hundred and Twenty Nine Bring and Deliver to the Treasurer of this Colony for the time being any Bill or Bills made Current by this Act Every person So bringing and Delivering any Such bill or Bills Shall by the Said Treasurer be paid the full value of them out of the funds or publick money in his hands at the time of bringing and Delivering Such bill or bills which Said Bill or bills so brought in and Delivered to the Treasurer Shall by him in the presence of the Signers aforesaid be burned and Destroyed on or before the said first day of July in the aforesaid Year One thousand Seaven hundred and twenty Nine after which day the said Treasurer is not to Exchange any of the Bills made Current by this Act nor take them in payment Longer than till the first Tuesday in the Month of August which will be in the year of our Lord One thousand Seaven hundred and twenty Eight And that it may be truly known what Number and value of Bills are burned and Destroyed at any or all the times mentioned in this Act for burning and Destroying the Said Bills IT IS FARTHER ENACTED that the Treasurer of this Colony at any of the respective times hereinbefore mentioned Shall keep a true and perfect account of all Such Bills by him received and Destroyed which account he Shall render upon Oath if thereto required by the Governo'r Council and General Assembly or either of them.

AND BE IT FARTHER ENACTED by the Authority aforesaid That the said Treasurer Shall keep Exact and true Books and Accompts of all the Receipts and payments to be made by him by Virtue of this Act Distinguishing therein the Several and respective uses and Services According to the true intent and meaning of this Act

AND that he Shall Render Accompts thereof upon Oath to the Governour for the time being The Council and General Assembly When by them or either of them thereunto Required.

[CHAPTER 448.]

[Chapter 448, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 279. See chapter 419. Continued by chapter 511.]

An Act for Settling and Regulateing the Militia in this Province and making the Same usefull for the Security and defence thereof and for Repealing all other Acts Relateing to the Same.

[Passed, July 24, 1724.]

WHEREAS an Orderly and well disciplined Militia is Justly Esteemed to be a great Defence and Security to the wellfare of this Province, and very much for the Honour and Service of his Majesty, in order therefore to make the same Effectuall to those good purposes.

BE IT Enacted and it is Enacted by the Authority of his Excellency the Governour Council and Assembly that every person from Sixteen to Sixty Years of age residing within this Province Shall within one Month after he shall arrive at the age of Sixteen and Every Sojourner above the Same age having resided within this Province Above one Month shall Enlist himselfe with the Captain or in his absence with the Next Commanding officer in the Troop of horse in the County where he Dwells or Sojourns or in Such Company of ffoot whose Captain or other next officer Commands in the ward Township Burrough Mannor or precinct where such person shall Reside or Sojourn under the Penalty of Twenty Shillings and Twenty Shillings for every Month that such person Shall remain So unlisted after Notice given and all Captains of Troops of horse and Companys of ffoot in the Severall Citys Burroughs Townships Mannors and precincts of this province are hereby COMMANDED to take due Care to Enlist all Inhabitants and Sojourners from Sixteen to Sixty years of Age, which age is in Case of Doubt to be proved by the Oath of the person whose Age is in Question or the Oath of his Parent or some other Credible Wittness taken by the officer before whom the Dispute shall happen to be who shall Administer the same in the words following I A B: doe Swear upon the holy Evangelists of Almighty God that C D: sumon'd before Captain E F: in order to be Enlisted is Years Old and No more Nor less According to the best of my knowledge So help me God which oath being Duly administered by the Captain or other officer who hath Summoned Such person before him in order to be

Enlisted and it Appearing that he is over Sixty or under Sixteen he shall be for that time Dismissed.

AND be it Enacted that all Captains of Troops of horse and Companys of ffoot Shall within one Month from the publication of this Act provide for their Companys and Troops Drums and Trumpetts Colours and Bannors and Drummers and Trumpetters at the proper Charge of the Respective Captains of Troops and Companys under the Penalty of Tenn pounds and Ten pounds for every Month such Captain Shall remain unprovided thereof And the Collonells OR Commanding Officers of all Regiments Troops or unregimented Companys within this Province Shall Twice every year at the Least Issue out their warrants to their Inferiour officers or to the Marshall (where such officer shall be by this Act appointed) Commanding him or them to make Diligent Search and Enquiry in their Several precincts that all persons be duly Listed Armed and Equipped and to return to them the Names of Such Defaulters as he or they Shall find to the End they may be punished according to this Act And if any Collonel of a Regiment or in his absence the next Commanding officer or any Captain or Commanding officer of a Troop of Horse or unregimented Company shall neglect his Duty herein he Shall forfeit the Sume of Twenty pounds for such his Neglect or omission.

And be it further Enacted that once every Three Months or oftener as occasion Shall require and Command be given by the Captain General or Commander in Chief for the time being the severall Companys in Each Regiment and the Troops of horse and unregimented Companys of the Severall Countys shall meet at the most Convenient places therein to be appointed by their respective officers to be then and there Muster'd and Exercised and that Every Soldier belonging TO the horse shall at time and place Commanded appear and be provided with a Good Servicable horse not Less than ffourteen hands high Covered with a Good Saddle, Hostlers, housing Brestplate and Cropper a Case of good Pistolls a Good Sword or hanger halfe a pound of Powder and Twelve Sizeable Bulletts a Good hatt Laced with Silver Lace a Black bagg or Ribbon for the hair or perruke a Scarlett Coat Trimed with Silver a pair of Large boots with Suitable Spurs and a Carebine well fixed with a Good belt swivel and buckel Provided that so much hereof as relates to the Apparel of Troopers Shall Extend to the City and County of New York onely and for a Constant Supply of Troopers in Each City and County of this Province where Troops of horse have been or are in being whensoever it Shall happen by Death or otherwise that

there are fewer Troopers in Number than fifty in one Troop the Collonel or other Commanding officer of the Regiment of ffoot in the County where the Same shall happen shall present Double the Number of such as are Dead or wanting being persons fitt for the horse Service and of ability to Equip themselves for the horse service According to the Regulations of this Act Except as is herein before Excepted of which fitness and Ability the Captain General to Approve or Direct a Return to be Made a New untill he shall approve of the persons presented and that the Troop be Compleatly filled out of the Regiment of ffoot of such City or COUNTY at the Discretion of the Captain General or Commander in Chief for the time being who from time to time as there is occasion may List and order so many of them so presented to be of the said Respective Troops as may Compleat the Number of fifty besides Commissioned officers or may order the Captain or other officer of any or Either of the said Troops to Doe the Same on his behalfe and in his Stead the residue of the men so Presented to Continue Soldiers on foot and Every Person so presented and ordered by the Captain General or Commander in Chief for the time being or by any person in his Stead to be Enlisted in any Troop of horse is hereby obliged to provide himself with all Necessary Equipage proper arms and Ammunition horse and Clothing as above set forth Except as is hereinbefore Excepted and is hereby Obligated to Serve in Said Troop under the pain and penalty of Ten pounds and in Case any Trooper after being Enlisted shall Neglect or refuse to appear he shall for every Such offence fforfeit the sume of Twenty Shillings for the first Default in not appearing for the second Default Thirty Shillings and for the Third Default forty Shillings and for every Default after the Third forty Shillings untill he Doth appear, ffor want of a Seizeable Horse Tenn Shillings and for want of Each or Either of the Articles of the Troopers FURNITURE the Sum of ffive Shillings provided that all the Penalties on one person for the Defaults of one day doe not Exceed the Sum of fforty Shillings and Every Trooper or Soldier belonging to the horse shall always have at his habitation or place of abode Two pounds of ffine powder and Six pounds of Seizeable bulletts on penalty of Ten Shillings for every Default.

AND be it Enacted by the Authority aforesaid that every ffoot Soldier in any the Regiments or Companys of ffoot in this province Shall be provided with a Good well fixed Musquet or ffuzee a Good Sword belt and Cartridge box Six Cartridges of powder and Six Seizeable bullets and so provided Shall appear when and where required upon Penalty of Ten Shillings in the Citys and Countys of

New York and Albany and in Every other County upon the pain of forfeiture of five Shillings for each Musquet or ffuzee not well m fixed or ffor want of a Sufficient Sword belt or Cart-ridge box shall forfeit one Shilling and the same for want of each Cartridge or bullet the whole penalty for the Defaults of one Person for one day not to exceed Twenty Shillings and the Sufficiencie of the Musquet or ffuzee Sword belt and Cartridge box to be Judg'd of and determined by the Captain of Each Company and Every foot Soldier Shall at his Habitation or place of abode have one pound of Good powder and three pounds of Seizeable bullets upon Penalty of Tenn Shillings for Each Soldier of foot and if any Soldier of horse or FOOT shall refuse to Shew to his Captain or person Sent by him or other officer for that Purpose by this Act appointed all or any of the Equipage ffurniture or Ammunition here mentioned he shall be deem'd and Esteem'd to be unprovided thereof and Shall be punished Accordingly.

AND it is Enacted by the Authority aforesaid that upon Notice Given of a General Muster or of the review or appearance in the field of any particular Troop or Troops Company or Companys no person whatsoever Listed in horse or ffoot in Manner aforesaid Shall withdraw himself from that Service or goe out of Town without having first Acquainted his Captain or other Superiour Officer therewith and without his Leave and Authority so to doe under the Penalty of Ten Shillings And no Commission Officer shall remove himself out of Town or withdraw from the Service without Leave from his Superiour officer under penalty of Twenty Shillings and no Serjeant Corporall or Drummer whether of horse or ffoot Shall absent themselves in manner aforesaid under penalty of Twelve Shillings. AND WHEREAS upon Certain Emergencys it may be found Necessary to keep Military watch and ward in Some part or parts of this Province be it Enacted that it Shall and may be Lawfull for any person or persons Listed in any REGIMENT or Troop of this province to put a well Armed Man in his or their Room who if approved of by the Captain of the Guard Shall Supply his or their Absence provided always that the Comission officers in their Turns be obliged to Mount the Guard in their proper persons.

AND it is hereby ffurther Enacted that no person or persons thereunto required by their Superiour and proper officer Shall refuse to be Serjeant Corporal or Drummer in any troop or Company under the penalty of fforty Shillings.

AND be it farther Enacted that Such Articles of Warr as the Captain General or Commander in Chief for the time being with a General Council of officers Shall make and Establish Shall by Authority of this Act have full force virtue and Effect for the punishment of all offenders against this Act and said articles or any thing therein Contained and all officers and Soldiers of the Militia horse or ffoot within this province during such time as they or any of them are under Arms in the ffield or upon watch and ward or other Duty they and Every of them shall duly observe and keep all and Every the Articles of warr so as aforesaid Established and Shall pay due obedience to his and their Superiour officer and officers and all his and their Lawfull Commands and all the Collonels of the Severall Regiments Captains of TROOPS of horse and unregimented Companys of foot or other the next officers in their absence are to give out True Copys of said Articles by them attested or by one field officer at the Least unto the Respective Officers under them that the Same may be publickly read four times in Every Year at the head of every Regiment unto the Soldiers while they are in Arms that all persons Enlisted may the better know and observe their Several dutys and if it shall happen that any officer or Soldier Shall at any time whatsoever whether under Arms upon Duty or otherwise Maliciously abuse affront take revenge of or Endeavor by force to take revenge for any Matter or thing by his or their Superior officer Lawfully done in pursuance of his or their Duty or of any thing Contained in this Act the said officer or Soldier Shall be brought before a Court Martial and Shall be tryed for the same According to the course of the same Court and shall be punished according to the true intent and meaning of the Articles of warr PROVIDED always that such punishment shall not Extend to the Loss of Life or Limb;

AND it is hereby further PROVIDED that untill such time as the aforementioned Laws and Articles of warr are Established by the said General Court Martiall every Soldier under Arms that shall not Give due obedience to his Superior officer shall forfeit the Sume of Ten Shillings for each offence And if any person Enlisted TO Serve Either in horse or foot and appearing under Arms during Such Appearance Shall refuse or Neglect to perform such Military Duty as shall be required from him or shall depart from his Colours or Guard with his Arms without Leave from Such officer he shall forfeit the Sume of Twenty Shillings and shall be Committed by warrant from the Captain or Commanding officer then present of the Company or Troop to which such offender doth belong to the Next

Goal till the Said Twenty Shillings be paid with the Prison Charges and the Serriff of Each City and County is hereby Empowered to take Such offender or offenders into Custody by Virtue of the officers warrant under his hand and Seal and him or them to keep in Safe Custody untill Such fine and ffees be paid PROVIDED always that in Case of a Military Watch or Night Guard where a Captain doth not Command in person the warrant of Distress or warrant of Imprisonment Granted by an Inferior officer who did Command the Guard or watch Shall be of the same Authority against all offenders as if the same Warrant were Issued by the Captain any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND be it Enacted by the Authority aforesaid that once Every year or oftener if thereunto required each particular Captain Shall give to his Collonel or field officer and the Collonel or ffield officer and the Captains of unregimented Troops and Companys to the Captain Generall or Commander in Chief for the time being FAIR written Rolls of their Respective Regiments Troops and Companys and if any Collonel or Inferior officer shall refuse or Neglect to Obey the Lawfull Commands of his Superior officer he or they shall be punished by fine Casheering or other punishment According to the Discretion of the Court Martial aforesaid which Court the Captain Generall or Commander in Chief is to Establish and the orders of the said Court are hereby declared to be binding in all Military Acts and if any person be wounded or disabled upon any invasion or in any other Military Service he shall be taken Care of provided for and Maintained out of the Publick Revenue of the Province and if any person Shall be sued Molested or impleaded for any thing Lawfully done and Commanded to be by him done in the Execution and performance of this present Act he shall plead the Generall Issue and Give this present Act in Evidence and shall thereupon if found for him recover treble Costs of Suit.

AND be it Enacted by his Excellency the Governour Council and Assembly and it is Enacted by the Authority of the same that the Severall fines Penaltys and forfeitures in this Act Mentioned shall be Levyed recovered and Disposed off as followeth (That is to Say) that all Such forfeitures as doe relate to any person under the Degree of a Captain shall be adjudged by and be taken to the respective Captains to defray the Charges of their Troops and Companys and to be Levyed before the next Exercising day by distress and Sale of the offenders Goods by the Captains Warrant directed to the SERJEANT or Corporall of the Company wherein said offence was

Committed, Except as is hereafter Excepted But if the offender be a Servant, or under his Parents Care then in Such Case the Masters or parents Goods shall be Lyable to such distress and Sale as afore-said till Satisfaction be made, and if any Serjeant or Corporall shall refuse to Execute such warrant So to him directed Such Serjeant or Corporal Shall for every Such offence forfeit for the uses above mentioned the sume of fforty Shillings to be Levyed in manner before Expressed by such other officer Serjeant or Corporall as such warrant Shall be directed to and for all other Penaltys and forfeitures in this Act mentioned the same Shall be Levyed by Distress and Sale of the offenders Goods by warrant from the Captain Generall or Commander in Chief for the time being or of the Chief ffield officers where such offenders are one halfe to the Capt'n. Generall one other halfe to the Chief ffield officer of that Regiment in the City or County where the offence is Committed and if the ffines that Relate to persons under the Degree of a Captain Shall not amount to a Sume Sufficient to Defray the Charges of Captains of Troops and Companys that then what is wanting Shall and may be Levyed upon the Severall Soldiers Equally by warrant of the Collonel or Chief officer of the Regiment Troops or Companys and if no Goods are to be found whereon to DISTRAINE, the person offending is to be Sent to the next Goal there to remain till Satisfaction be given and the Prison ffees Paid And the Serjeant Corporalls or Clerk of the Regiment are to Reserve to themselves out of Each Distress or fforfeiture the sume of Three Shillings for Executing each warrant from their Captain or other Superior officer where such distress is not otherwise by this Act Disposed of.

AND WHEREAS the Collonel and other Chief officers of the Regiment of ffoot and Troop of horse in the City of New York have found by Experience that the Severall Corporalls and Serjeants of said Regiment and Troop, who are often Considerable Tradesmen doe Lose much time and are too Long taken from their Shops or other Necessary care by Levying the ffines and forfeitures by this Act Imposed.

Be it therefore Enacted and it is Enacted by the Authority afore-said that there shall be one Martial in the City and County of New York appointed by warrant from the Commander in Chief or Captain General for the Time being who Shall have full power by Virtue of a Warrant Directed to him as occasion shall require from the Captain Generall Collonel or other officer of said Troop or Regiment to Distrain & Levy any or all the ffines and fforfeitures in this Act mentioned to be Levyed or recovered by distress reserving to himself out

of Every Distress for his ffee or Reward one ffull THIRD part of Such Distress not exceeding Ten Shillings and for Every Distress Exceeding Ten Shillings the Sume of Six Shillings. And the Remainder of such Distress to be paid to the officer by whom such Warrant was Issued in manner and form as is by this Act intended and Every Officer Issuing such warrant shall Issue the Same in manner and form following.

TO A B. Martial of the Militia of the City and County of New York.

BY Virtue of an Act of Generall Assembly of this Province Entituled an Act for Settleing and Regulating the Militia in this Province and for making the same usefull for the Security and Defence thereof and for Repealing all other Acts relateing to the same you are hereby required and Commanded to Levy by Distress upon the Goods and Chattles of C: D: the Just and full Sume of

And you are to have the same sume before me on

which will be the

day of

And in Case you Shall find no Effects whereon to Levy the Distress hereby Directed to be Levied you shall take the body of him the said C: D: and him Safely Convey to the Comon Goal of the City of New York there to Remain untill the Same with the Prison ffees be fully paid and Answered And for your so doing this shall be your Suffi-

cient Warrant WITNESS my hand and SEAL this

day of

in the

Year of his Majestys

Reign Anno Domini

And this Warrant and the Execution thereof by the Marshall of the Militia in the City and County of New York shall be Good in Law and of ffull force and virtue to all Intents and purposes in this Act mentioned any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND be it further Enacted by the Authority aforesaid that no person whatsoever Do presume to fire any small arms after Eight of the Clock at Night unless in Case of Alarm or Insurrection in which Case four Musketts or Small arms distinctly fired or where great Guns are the fireing of one Great Gun and Two Musketts or Small Arms Distinctly and beating of a Drum Shall be taken for an Alarm which Shall be Continued along from place to place throughout the Province and Every person that shall Neglect his Duty in taking and forwarding the Alarm by ffiring and Beating Drum as aforesaid or that Shall fire Arms after Eight a Clock at Night Shall be ffined or Punished at thē Discretion of a Court Marshall not Extending to Life or Limb, And in Case of an Alarm every Soldier

is Immediately to repair Armed to his Colours or parade on penalty of five pounds which parade Shall be understood to be the habitation of his respective Captain unless it shall be otherwise ordered and appointed and for the better PREVENTION of false Alarms, no Captain Master or Commander of any Ship or vessel riding at Anchor in any of the Rivers harbours or Bays of this Province nor any other person shall fire any Gun or beat any Drum after Eight of the Clock at Night under penalty of four pounds for every Gun so fired or Drum beaten to be Levied by warrant as afore directed from the Chief officer of the Regiment next adjoining not Under the Degree of a Captain who is hereby impowered to have Jurisdiction thereof and to administer an oath and give Judgment thereupon and to Direct Distress and Sale of the Offenders Goods and for want of Such Distress the said Chief Officer is Impowered to Committ such offender to Goal there to Remain untill payment be made of the Same and the Captain Commander or Master of any Vessel from whence Such Gun or Guns shall be fired Shall be deemed and understood to be the offender in this Respect and in Case the Chief officer of the Regiment or Captain aforesaid Shall not perform his duty herein he shall forfeit Ten pounds to be Levied by warrant from the Captain Generall or Commander in Chief for the time being.

AND it is further Enacted that all Drummers and Trumpetters Lately in Service or that shall be put in Service by the Severall Captains during pleasure shall Serve upon the salary of forty Shillings per Annum for a Trumpetter and TWENTY Shillings per Annum for a Drummer finding their Trumpet or Drum And Twenty Shillings for a Trumpetter and Tenn Shillings for a Drummer if the Captain Do provide the Drum or Trumpet and each Drummer or Trumpetter refusing to serve to forfeit forty Shillings to be Levied in manner aforesaid, And it is to be observed that all the Members of his Majestys Council Justices of the Peace High Sherriffs Coroners and other Civil Officers of his Majestys Government in this Province and all Officers of Courts Ministers School masters and all Phisitians and Surgeons shall be free from being Listed in any Troop or Company wherein this Province and Neither this Act nor any thing therein Contained Shall be Construed or taken to allow any Indian or Negro Slave to be Listed or to doe any Duty belonging to the Militia in this Province unless it be to be Drummers Trumpeters or pioneers and to prevent Malicious and vexations Suits and prosecutions upon any Clause in this Act Contained it is hereby directed that no person or Persons whatsoever Shall be Sued or Molested or his Goods or Chattles Lyable to Distress for any offence

against this Act Committed unless prosecution of the same be made within three Months after the offence Committed and not at any time thereafter.

AND it is hereby Enacted that no Commission Officer of the Militia of this province Legally superceeded shall afterwards be obliged to do the Duty of a private Soldier unless he be Casheer'd BY a Court Marshall for Cowardice or Some other Notorious offence whereupon he shall be obliged to doe the Duty of a Pioneer or Drummer nor Shall it be in the power of any Commission officer to throw up or quit his Commission in order to be made free from the duty of a Private Soldier untill he have Served in Commission ffifteen Years at the Least any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND be it Enacted that upon any warrant Directed to the Marshall of the Militia of the City and County of New York from any officer hereby Impowered to Issue the same directing said Marshall to take and Convey any person or persons offending Against this Act to the Common Goal of the said City the keeper of such Goal shall be and is hereby obliged under the penalty of Tenn Pounds to be paid to Such person as Shall Sue or Inform for the same in any Court of Record in this province to Receive Such person or persons so brought to such Goal by said Marshall and him or them to hold & Safely keep untill the officer Issuing such Warrant shall Certify to Said Keeper under his hands and Seal that Such Person or persons has or have made full Satisfaction in the Premises and the high Sherriff of the City and County of New York shall be paid by Every person so Committed or Sent to Goal the same ffees as he Should have on any Arrest or Imprisonment in ANY other Case whatsoever besides Twelve pence in the pound out of the fforfeiture of Every person so Committed. And be it farther Enacted that Said Marshall before he shall Enter upon the Execution of his office or any part thereof shall give Security to the Captain Generall for the due and faithfull Execution thereof in which any field officer of the Regiment or the Commander or Captain Lieutenant of the Troop may when it Shall to them or either of them seem Necessary Send one or more Men to his Assistance.

AND be it Enacted that Nothing in this Act Contained shall be Intended or Construed to Derogate from or in any ways Lessen or Diminish the Powers or authoritys Lodged and vested in the Captain General or Commander in Chief by his Majestys

Letters Patents Commission or other power whatsoever any thing in this Act Contained to the Contrary thereof in any wise Notwithstanding.

AND be it Enacted by the Authority aforesaid that all other Acts heretofore made Relateing to the Militia of this Province are hereby repealed vacated Annulled and made of No Effect and are become Null and Void to all Intents and purposes whatsoever; AND this Act to be and REMAIN in force for the Term and Space of Three Years from the Publication thereof and to the End of the Next Session of General Assembly ffollowing the same and no Longer.

[CHAPTER 449.]

[Chapter 449, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 293. See chapter 465. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act for Continuing the Acts made for
Prohibiting the Selling of Indian Goods to the
French with Some alterations

[Passed, July 24, 1724.]

WHEREAS one Act of the Generall Assembly of this Province passed in the Seventh Year of his Ma'tys Reign entituled an Act for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province and for prohibiting the Selling of Indian Goods to the French, and one other Act passed in the Eighth year of his Majestys Reign entituled an Act for the further and more Effectual prohibiting of the Selling Indian Goods to the French, have been found beneficial to this Province.

BE IT THEREFORE ENACTED by his Excellency the Governour Councill and Generall Assembly of this Province And it is hereby Enacted by the Authority of the Same, that the before mentioned Acts Shall be and Continue in force from the Publication hereof, until the first Day of November, which Shall be in the Year of our Lord one thousand Seven hundred and twenty five.

AND WHEREAS it was Deemed understood and Meant at the time of making the first mentioned Act, that the East and West Line therein Discribed did Include the Village of Schenectada and the path leading to it from Albany but upon a Strickter Examination is found to Exclude the Same by which means many of the INHABITANTS thereof have often been Questioned troubled and Molested in Carrying goods Wares and Merchan-

dizes from Albany to the Said Village Be it therefore Enacted by the Authority aforesaid that from and after the Publication of this Act the West part of the Line abovementioned Shall begin at the North Limits and Bounderies of the City of Albany and from thence to run upon a Straight Line (however it may run) so as to Include the North Bounds of the Township of Schenectada, and to avoid Disputes be it declared and Enacted that the high Road leading from Albany to Schenectada Shall be Included within the said Line notwithstanding any part thereof Should Extend beyond it any thing in the two before mentioned Acts to the Contrary hereof notwithstanding.

AND BE IT ENACTED by the Authority aforesaid that upon the Second third fourth or any time after the first of tendering or Administring the oath appointed by the Second act abovementioned to any Person Suspected of trading with the French the Person administring that oath is to leave out of the Same the words following to witt (the Sixteenth Day of August in the Year one thousand Seven hundred and twenty two) and to Insert in leiu thereof the Day on which that oath was formerly tendered to the SAME Person by A: B: a Magistrate nameing him

AND BE IT ENACTED by the Authority aforesaid that if any Person or Persons within this Province Shall Stop any Indians by force or Shall by false insinuations and Suggestions hinder them from Comeing to trade at Albany he She or they so Offending Shall forfeit the Sum of fifty pounds Current money of this Province to be recovered in any Court of Record within this Province by Bill plaint or Information one half thereof to be to the use of any Person or Persons who will Sue for the Same and the other half towards repairing the fortifications of the City of Albany.

[CHAPTER 450.]

[Chapter 450, of Livingston & Smith, where the act is printed in full. Chapter 450, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 272. See chapters 280, 347. Further provision for exchanging torn bills made by chapter 492.]

An Act for making Bills of Credit and putting the Same into the Treasurers hands for Exchanging therewith Such Bills of Credit of this province as are torn and Defaced:

[Passed, July 24, 1724.]

WHEREAS by Virtue of an Act of the Generall Assembly of this Colony past in the thirteenth Year of her late Majestys Reign

and Ratified and Confirmed by his present Majesty Entituled an Act for the paying and Discharging the Severall debts and Sums of money Claimed as Debts of this Colony to the Severall Persons therein Named and to make and Enforce the Currency of Bills of Credit to the Value of Twenty Seven thousand Six hundred & Eighty Pounds for that purpose also to make Void all Claims and Demands made or pretended to be due from this Colony before the first Day of June one thousand Seven hundred and fourteen and to prevent this Colony from being in Debt for the future there were Struck Issued and made Current Bills of Credit to the Value of Twenty Seven Thousand Six hundred and Eighty Pounds as aforesaid which Said Bills were gradually to be Sunk and destroyed as the Fond upon which they were so struck and Issued as aforesaid Should Come in and the remainder thereof Continue to be Current untill the Year one thousand Seven hundred and thirty four as in and by the said Act relation being thereunto had may more at large appear.

AND WHEREAS by Virtue of another Act of the Generall Assembly of this Colony Entituled an Act for paying and Discharging Severall Debts due from this Colony to the Persons therein named and for raising and puting into the hands of the Treasurer of this Colony Severall quantitys of Plate to be applied to the Publick and necessarys uses of this Colony and to make Bills of Credit to the Value of forty one Thousand five hundred and Seventeen ounces and a half of Plate for that purpose past in the fourth Year of the present Majesties Reign and also Ratified and Confirmed by his said Majesty there were Struck Issued and made Current Bills of Credit to the Value and quantity of forty one Thousand five hundred and Seventeen Ounces and a half of Plate abovementioned which Said Bills were likewise gradually to be Sunk & Destroyed as the Severall Fonds upon which they were so struck & Issued Should Come in and the residue thereof to Continue and remain Current in all payments within this Colony untill the Year one Thousand Seven hundred and thirty Nine as in and by the said Act Reference being thereunto had may more at large appear.

AND whereas by Virtue of another Act of the Generall Assembly of this Colony past in the Seventh Year of his Majestys Reign, Entituled an Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York during the time therein mentioned and for repealing one Act of the Generall Assembly of this Province, Entituled an Act for a Sup-

ply to be granted to his Majesty for Supporting his Government in the Province of New York, from the first Day of July which Shall be in the Year of our LORD one thousand Seven hundred and Twenty untill the first Day of July one Thousand Seven hundred and Twenty one there were upon the Severall Dutys and Fonds therein mentioned, struck issued and made Current Bills of Credit to the Value and quantity of five thousand Ounces of Plate which Bills were to Continue and remain Currant in all payments within this Colony untill the first Day of July which will be in the Year of our Lord one thousand Seven hundred and twenty Six as in and by the Same Act, Relation thereunto being had may more at large appear.

AND notwithstanding that in Consequence of the two first mentioned Acts, Bills of Credit to a Considerable Vallue have annually been Sunk and Distroyed as the respective Fonds Enabled the Treasury so as to do yet those Fonds falling Short of the Yearly Sums they were Computed to amount unto at the time of making those Acts a Considerable quantity of the Said Bills are like to remain Current until the aforesaid Years of one Thousand Seven hundred and Thirty four and one thousand Seven hundred and Thirty Nine and all those Struck & Issued by Virtue of the last mentioned Act, are thereby Enacted to Continue Current untill the first day of July one thousand Seven hundred and Twenty Six.

AND whereas by the length of time for which the aforesaid Respective Bills of Credit have already past Current for many of them are become so Torne ragged Shattered and pasted Especially Such as are of the Lowest Vallue partly by their HAVING passed so often from hand to hand in the Markets and otherwise, and partly by Some Persons want of Care to preserve them in Pocket Books or Letter Cases, That of many of them the real Value at which they are Enacted to be Current for Can Scarcely be Discovered by which means Disputes and difficultys frequently arise in paying and receiving the Same which Inconveniencys are like to Encrease before the respective times above mentioned are Expired, And Some of Said Bills being Circumstanced so as aforesaid, may more over Tempt Evil Disposed Persons to alter the Same to a greater Vallue than they were Originally Struck & Issued for, to the great Hurt Damage and Inconveniency of his Majestys good Subjects inhabiting in this Colony.

AND it being Conceived that the only Effectual remidy to remove and prevent these Difficultys is by Lodging a quantity of

New Bills of Credit in the Treasury in order to be Exchanged for Such Torne Ragged Shattered and Pasted Bills as aforesaid.

BE it therefore Enacted by his Excellency the Governour Council and Assembly and it is hereby Enacted by the Authority of the Same that Bills of Credit to the Vallue of three Thousand Pounds be forthwith made and printed for the purpose aforesaid that is to Say Eight hundred Bills of twelve Shillings Each Eight Hundred Bills of Eight Shillings Each one thousand Bills of Six Shillings Each two Thousand Bills of four SHILLINGS Each Two Thousand Bills of three Shillings and Six pence Each Two Thousand Bills of three Shillings Each one Thousand Eight hundred Bills of Two Shillings and Six pence Each, Two Thousand Bills of Two Shillings Each three thousand Bills of one Shilling and Six pence Each & four thousand Bills of one Shilling Each upon which Bills shall be Empressed on the right hand Side, The Arms of the City of New York & on the Top of each of them betwixt the Cyphers or flourishing and the body of the Bill Shall be printed in words at length, and at the lower part on Each Side thereof in figures, the Vallue they Shall Respectively go Current for And in the Cyphers or flourishing above is to be left a blank in the form of an Ovall large enough to Contain the Date of the year in figures and all the Said Bills are to be in the Forme following to wit.

This Indented Bill Due from the Colony of New York to the Possessor Shall pass Current in all payments for Conformable to a Law made by the Governour Council and Assembly of the Said Colony Dated the twenty Second Day of July one thousand Seven hundred and Twenty four Which Bills Shall be Numbered and Signed by David Provoost Johannes Jansen Jacobus Kip John Crugar and Gerardus Beekman Esq's or any three of them and in Case of the Death of any of them by the Major part of the Said Persons then alive

AND be it further Enacted by the Authority aforesaid that the Stamps of the City of New York now Deposited in the hands of the Treasurer Shall by him be Delivered to William Bradford (being hereby appointed to Print all the Said Bills and their Counterparts) who is thereupon to give a receipt to the Treasurer for the Said Stamps with a promise for his redelivery of the Same as soon as all the Said Bills be Printed which Said Stamps are then to remain in the Treasury Sealed up by the Signers and

not to be made use off unless by Virtue of an Act or Acts of the Generall Assembly.

Be it also Enacted that As soon as all the Said Bills are so Printed as aforesaid the above Named William Bradford Shall Deliver all and every one of them together with their Counterparts unto the Persons herein Nominated and appointed to Sign the Same or to the Major part of them, and at the Same time take an oath upon the Holy Evangalist before any Alderman of the City of New York, That the Bills then Delivered unto them are all and every of the Bills Printed by Virtue of this Act by him or by his Privy procurement or Directions and that he doth not directly or Indirectly know or believe that any more have been Printed by him or by any other Person or Persons whatsoever.

Be it likewise Enacted by the Authority aforesaid, That when the Said Bills Shall in manner before mentioned, be delivered to the Signers herein before named they or at least any three of them are to Number and Sign the Same and to Indent them from their COUNTERPARTS, and then Deliver unto Abraham De Peyster Jun'r Treasurer of this Colony or the Treasurer for the time being the Exact quantity hereby Enacted to be Struck being first Numbered and Signed as aforesaid. And the Said Signers are at the Same time to take an Oath on the Holy Evangalist that the Bills then Delivered in manner aforesaid are all the Bills Signed by them by Virtue of this Act and that they Shall and will not Sign any more unless Impowered thereto by Act or Acts of the Generall Assembly. And if there Should happen to be any more Bills then the Vallue of the three thousand Pounds herein before mentioned, all Such Supernumerary Bills (Whether Sign or unsigned) are Immediately to be burnt and Destroyed (in the presence of the Treasurer) by the Signers aforesaid In whose Custody the Counterparts are to remain to be made use of for Comparing or Examining of Bills as occasions may require.

And whereas it may reasonably be Concluded that of the Bills of Credit made Current by the three Severall Acts hereinbefore mentioned a Considerable Quantity has already been lost Either by Accident or otherwise, and that Still a farther Quantity will be lost before the Expiration of the time and times appointed by those Acts for the totall Cancelling and Destroying of them respectively. And the Advantage Accruing by Such Loss redounding Solely to the Benifit of this Colony. Be it Enacted by the Authority aforesaid that all the whole Charge which Shall

arise upon the Bills of Credit hereby Enacted to be Struck Shall be paid and Discharged in the Same Bills of Credit and no other, that is to Say to each of the Signers herein BEFORE named the Vallue of Twenty Pounds for Each of their Service in Numbering Signing Indenting and Cancelling the Same. And their receipts Shall be to the Treasurer a good Voucher and Discharge for so much as Shall therein be mentioned and Exprest not Exceeding the Sum above mentioned. To William Bradford for Printing the Number off Nineteen Thousand four hundred Bills with their Counterparts and furnishing pens and Ink to the Signers for Signing the Same the Vallue of fourty Pounds whose receipt Shall to the Treasurer be a good Voucher and Discharge for so much as Shall therein be mentioned and Exprest not Exceeding the Sum above mentioned.

And to be retained in the hands of the Said Treasurer for his Trouble in receiving the Said Bills for making the paym't above mentioned for Exchanging Such Torn ragged and Shattered Bills as are hereinbeforementioned and for Cancelling the Same and keeping Accounts thereof, after the rate of Nine pence on every pound Vallue he Shall so as aforesaid pay retain or Exchange and of no other part thereof. But be it further Enacted That if Such Bills as are presumed have already or will hereafter be lost as aforesaid Should happen to fall Short of the Charge and Salary above mentioned the Deficiency thereof Shall be made good either out of any unappropriated Publick money which Shall then be in the Treasury or by Some other Provision to be made by the Generall Assembly for that purpose.

And be it further Enacted by the Same Authority that all THE residue of the Bills hereby Enacted to be Struck or Such part thereof as may be requisit or Demanded, Shall by the Treasurer be given in Exchange for Such Torne Ragged and Shattered Bills Issued by Virtue of the aforesaid Acts, as may Occasion Disputes or Difficultys in paying or receiving of them, To all Such Person or Persons as from time to time Shall bring the Same to him for that purpose provided Such Bills are otherwise good and Boña fida Struck by Virtue of either of the three Acts herein before mentioned. And all Such Bills as Shall be Exchanged in manner aforesaid Shall by the Treasurer not only be kept Distinckt from all other Bills but also each Sort kept together according to the respective Acts by Virtue of which they have been Struck and Issued.

And altho' the only End in Striking and Issuing Bills by Virtue of this Act is for preventing Difficultys to and Disputes among the good Inhabitants of this Colony, It is never theless the true Intent and desire of the Generall Assembly as well to prevent (as much as in them lyes) that no Confusion may be occasioned by Such relief as to Support the Credit and good reputation which all the Bills of this Colony have hitherto had; Be it therefore further Enacted by the Authority aforesaid That the Treasurer Shall in all and every of the Bills (now Enacted to be Struck) which he Shall pay retain or Exchange in manner aforesaid, make the following Distinctions before he Issue the Same in the blank Ovale herein Directed to be Printed IN the Cyphering or flourishing part thereof That is to Say,

In all those he pays to the Signers and Printer and Retaines for his trouble to put in figures the Year one thousand Seven hundred and twenty four in all those that Shall be Exchanged for Bills made Current by the first Act herein mentioned to place in figures the Year one thousand Seven hundred and fourteen In all those to be Exchanged for Bills made Current by the Second Act herein mentioned, to Set down in figures the Year one thousand Seven hundred and Seventeen and in all those to be Exchanged for Bills made Current by the herein last mentioned Act to write in figures the Year one Thousand Seven hundred and Twenty And as by this means it will appear what kind of Bills have been Exchanged so those Exchanged in Liew thereof are gradually to be Cancelled and Destroyed in the Same Course and Order as the Originall Bills would have been if they had not been Exchanged.

And be it further Enacted by the Same Authority that the Signers herein before named Shall at the Severall time and times by the three before mentioned Acts or Some or one of them Limitted and appointed for Sinking and Distroying the Bills thereby respectively made Current or at least once every Year meet at the Treasurer and then and there Examine to what Vallue Torne Shattered and Ragged Bills have bin Exchanged in liew of Bills Struck by Virtue of this Act. And the Said Signers or the greater Number of THEM then alive are to make Distinction which Sort of Bills have been so Exchanged and the quantity and Vallue thereof and accordingly to give unto the Treasurer Certificates under their hands of the Said Quantity and Vallue and to which of the Said three Acts the Same belong'd and the time at which Such Examination was made. And the Treasurer is at

the Same time to burn and Destroy the Bills so Certified in the presence of the Said Signers or the Major part of them then alive. And all Such Certificates Shall be to the Treasurer good and Sufficient Vouchers and Discharges for so much as Shall therein be mentioned and Expressed.

AND BE IT ENACTED by the Authority aforesaid that the Bills of Credit made Current by this Act Shall be and Continue as Long Current as any of the Bills of Credit now Current in this Province by any Acts of the Generall Assembly thereof now in force, and Shall be received in all Cases whatsoever by any Person within this Province and be as Effectually Current as any other Bills of Credit made Current within this Colony by any Act of the Generall Assembly of this Province And the Person refusing to take them in payment for any Sum Due or hereafter to become due or by any Contract already made or hereafter to be made or for any Consideration whatsoever for any Effects or Services already delivered or performed or hereafter to be Delivered or performed SHALL be lyable and is hereby made lyable and Subjected to all the penalties and forfeitures Contained in any or all the Acts of the Generall Assembly of this Colony at any time Enacting & Enforceing the Currency of Bills of Credit as fully to all Intents Constructions and purposes whatsoever as if the words of all or any the Acts before said relating to the Bills of Credit or Enacting and Enforceing the Currency of Such Bills of Credit in them mentioned had been particularly Expressed or Transcribed and hereby Enacted any thing in this Act or any other to the Contrary hereof in any wise notwithstanding

AND be it Enacted by the Authority aforesaid that if any Person or Persons Shall presume to Counterfeit any of the Bills of Credit made Current by this or any other Act of the Generall Assembly of this Province or Shall alter any of the Said Bills made Current as aforesaid as that they Shall appear to be of greater Value then by any of the Said Acts the Same Bills so altered were Enacted Signed and numbered to pass Current for or Shall knowingly pass any of the Bills aforesaid so Counterfeited or altered every Person guilty of Counterfeiting or altering the Said Bills as aforesaid Shall be guilty of felony and Convicted of Such Counterfeiting or altering Shall Suffer Death accordingly and not have the benifit of Clergy and every Person knowingly PASSING any Such Counterfeit or altered Bill and Convicted thereof Shall also Siffer the pains of Death without benifit of Clergy.

[CHAPTER 451.]

[Chapter 451, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 295. Expired July 24, 1727.]

An Act to Prevent Tennants of all kinds from Committing Wast and Trespasses on Lands in their Tenure or possession and for punishing all Such other persons As by Water or Land Shall aid and abet therein and for Preventing Divers other Enormities exceeding hurtful to the Growing Settlements & Plantations in the Countys of Orange and Ulster And for Laying out and maintaining a high Road within the Same.

[Passed, July 24, 1724.]

WHEREAS many and Grievous Complaints are Daily made by his Majesties Subjects Tenants in Chief, Owners of Land in the Countys of Ulster and Orange Setting forth the Great and manifold mischiefs which arise from the Subtle devices and evil Dealings of Owners and Masters of Sloops Wood Boats and other Small Craft Plying up and Down the Rivers Streams and Creeks thereof who Void of all honesty & Conscience Illegally and fraudulently Contriving and Agreeing with the Lessees Farmors and other Tennants of Lands Adjoyning to or near Said Rivers and Streams Wast take and Carry away the Timber firewood and other Wood growing thereon AND WHEREAS the Said Lessees Farmors and other Tennants Living remote from other Dwellings have few, or no Witnesses to their misdeeds Except Such as are their Accomplices and there being no Settled reward for any person who Shall inform against them And the Said Tennants for Years or at will having therefore no regard to the Terms & Conditions in Law or express'd in or incident to their Leasses and respective tenures, Destroy Wast and make Intolerable havock of Such Timber as is fit for Shipping and other Building as also of firewood, Wood for fencing Underwood and all other kinds of Wood whatsoever without Distinction And forasmuch also as such Tennants who hold Lands for Term of Years or at Will or Sufferance are generally very poor Indigent and mean persons who are Supply'd with Stock and all necessarys by their Lessors upon Condition that said Stock with the Increase or a Certain part thereof Do revert to the Owners Lessors at the End and Expira-

tion of the Lease OR Term by them given and Such Tennants Lessees being frequently Debauched and Deluded partly by their own evil Inclinations and partly by keepers of Tippling houses and Taverns petty merchants pedlers and other Lewd and ill Dispos'd persons, Do frequently after that by felling and Cutting of Timber firewood and other wood contrary to the Terms and Conditions of their Leases or other Tenure they have forfeited their term or terms thereby given, Sell and Dispose of Such Stock and the Lessors part or Share of the Increase thereof, In which Said Lessees have no right nor property to Such keepers of tippling houses or other persons as aforesaid and then Convey themselves out of this Province or abscond therein from the Reach of Justice. AND WHEREAS many Vagabonds and Idle and Disorderly persons do haunt and resort about the New and Scattered Settlements and farms in the Said Countys of Ulster and Orange and there Lurking or otherwhile flying to the Woods and Mountains Perpetrate divers thefts and other Enormities Robbing the Said Settlements and Stealing and Carrying away horses Cows Sheep hogs and other Cattle in the Night time to distant places or into the Neighbouring Colonys and Dispose of them at Low rates TO prevent Such w^{ch} grievous and growing mischiefs.

BE IT ENACTED by the Governo'r Council and assembly and it is Enacted by the Authority of the Same That no Master or owner of any Sloop Wood Boat or other Vessel whatsoever or any other person or persons Shall or do knowingly or wittingly take or carry away from any Plantation Farm or Settlement in the possession of any Lessee Farmor or other Tenant for Years or at Will Inhabiting upon or within the Lands late belonging to Cap't John Evans And by an Act of General Assembly made and Pass'd in the Eleventh year of the Reign of his late Majesties King William the third of Glorious Memory Entituled an Act for Vacating breaking and Annulling Several Extravagant Grants of Land made by Coll ffletcher late Governo'r of this province under his Majestie Reassumed & now Regranted to other persons or lay or Suffer to be Laid (knowingly and wittingly) On Board his or her Sloop Boat or Cannoe or taken in Tow in Rafts or otherwise by their or Any of their Sloops or Wood boats or other Vessels any Timber for Shipping or other Building or any firewood or other wood whatsoever from any of the Lands aforesaid unless the said Master owner or other person Shall first obtain Lycence for So doing from the person or persons to whom the Right property

and fee of the Land from whence Such Wood and Underwood by him her or them laid or taken on Board or in Towin rafts or otherwise doth by Law belong And Except where Such Lessee Farmor or other Tennant shall be fully and legally Impowered by the Express word of his Lease or other Condition or by any other Right Incident to his Tenure to Sell and dispose of the Same Timber and Underwood and it is hereby Enacted That said Boatmen owners of Boats and other Vessels and all other persons whatsoever Shall observe the Same Rule & Rules in taking off or carrying away any timber or other wood whatsoever from any the Said Lands by Land Carriage and every Owner of any Vessel Boatman and Every other person Shall for every Such offence knowingly and Wittingly done and Committed contrary to the true intent and meaning of this Act forfeit the full Value of the Timber Underwood wood for fencing or fire-wood So laid on Board or by him her or them taken in Tow or Transported by Land or Water or the full Value thereof to the person or persons thereby Wronged or Injured and forty Shillings over and above said Value to Such person or persons who Shall Sue or inform for the Same in any City or County within this province where Such offender or offenders Shall be Sued or prosecuted for the Same

AND BE IT ALSO ENACTED by the Authority aforesaid that if any Tenant for Term of Years his or her Lessee or Assignee or Tenant at Will or Sufferance within the said Late reassumed and now Regranted Lands in the said Countys shall wast Destroy cut Spoil or Carry away or knowingly Suffer to be wasted Destroy'd cut Spoiled or Carried away from the Land by him her or them Rented or taken to farm or from any part or parcel thereof any Timber for Shipping or other Building Underwood Wood for fencing or firewood as by the plain and Express word of his her or their Lease or by any Right Incident to his her or their tenure he She or they are Entituled to Cut for the Clearing Such Lands for Cultivation and other the uses therein mentioned or intended Such Tenant or Tenants his her or their Lessee or Lessees Assignee or assignees and every of them Shall for every such offence done and Committed Contrary to the true Intent and meaning of this Act forfeit the Sum of Three pounds over and above the Value of the Timber or Wood Cut Spoiled Wasted Carryed or knowingly Suffered to be Carry'd away And Shall besides remain Subject and Liable to all pains penalties and forfeitures incurred thereby by any the Laws now in force in this Province One half of Said Three pounds to be paid to him or her who Shall inform or Sue for the Same and

the other half with the Whole Value of the Timber or other Wood Cut or Carryed away Shall be paid to the Tenant in Chief or person Injured to be Sued for and recovered in any City or County in this province where Such offender or offenders Shall be Sued or prosecuted for the Same PROVIDED always that this last Clause Shall be taken And understood to Extend to the Redress and punishment of the wrongs Injurys and offences therein Mentioned and provided against done on Such land only as have by Letters patent under the Great Seal of this province been duly granted to any of his Majesties Subjects Since the twelfth day of July in the Year One Thousand Seaven hundred and Eight and within the Countys of Ulster and Orange And to Prevent other the Mischiefs by this act Intended to be prevented

BE IT ENACTED that no Tenant or Tenants for Term of Years or at Will or Sufferance Renting or taking to farm any of the Said Late reassumed and now regranted Land in the Countys of Ulster and Orange being furnished or Supplyd with live Stock or Stocks of any kind whatsoever that is to Say horses Mares Cows or other Neat Cattle Sheep hogs plows Waggons Sledges or other Draught or Utensils Condition'd by the Leases made to Such Tenants or by other agreement Made Between Lessor and Lessee to be Delivered back and be restored to the Lessor at the Expiration of the Term of Such Lease for years or at Will or Sufferance Shall without Lycence under hand and Seal from his or her Lessor or Lessors Sell or Dispose of all or any part of the Same Live Stock or Utensils or of all or any part of the Lessors Share or Shares of the Increase of the Said live Stock So as above Said by the Lessor or Lessors furnished or Supply'd for money goods Wares or Merchandize or by Way of Barter or Exchange and Such Lessee or Lessees are by this Act Disabled from making any title in Law to any person whatsoever for Such live Stock Draught or Utensils or the Increase of any Such live Stock or any part thereof Any Law usage or Custom to the Contrary thereof in any Wise notwithstanding. PROVIDED always that neither this Act nor any thing therein Contained Shall be Construed to Diminish or take from any Lessee or Lessees for Term of years or at will or Sufferance within Said late reassumed and now Regranted Lands or that may (being parcels of the Same) be hereafter Regranted any Rights priviledges or advantages in or by any Lease or Leases powers or Conditions to them already made given or Granted or that hereafter may be to him her or them given or Granted.

AND BE IT ENACTED by the authority aforesaid That any Justice of the peace of the County of Ulster or Orange Shall upon his own knowledge or upon information of any other person forthwith issue his Warrant to Call and bring before him any Vagabond Loose idle or disorderly person who has no freehold or Lawfull Settlement in either of the Said two Countys where he or She Shall be found And if upon Examination it doth appear to Such Justice of the peace that Such person hath no Sufficient and honest means of maintenance or refuseth or hath refused within Six weeks before the time of his or her Examination to work and Earn his or her living by Labour and Industry at the usual Rates or price commonly given to Labourers in the Same County where Such Vagabond Shall be found Shall Bind Such Vagabond or Disorderly person to the good behaviour for the Space of one whole Year and if Such person refuseth or be not able to give Sufficient Surety or doth refuse to work or Labour at the price or rates before mentioned then him or her Shall Commit to the next Goal there to remain until the next General Quarter Sessions to be held for Such County and then to be punished with Corporal punishment at the Discretion of the Justices holding Such Sessions and if Such Vagabond or other Lewd and Disorderly person After Such punishment inflicted cannot give or doth refuse to bring Security for the good behaviour as is aforesaid or Shall refuse to Leave this province within ten Days thereafter And if after the Expiration of Said Ten Days he or She Shall be found in either the Countys of Ulster or Orange he or She Shall be again Committed to the Goal of Such County where Such person Shall be found and Secured And the same process and punishment is again to be made against and inflicted upon Such Vagabond So often as he or She Shall be found taken or apprehended in either of the Said Countys of Ulster or Orange and all Justices Sheriffs undersheriffs Constables Bailiffs and all other officers within the Countys of Ulster and Orange are hereby Strickly Enjoyned required and Commanded upon the Oath or Information of one Witness or upon his their or either of their own knowledge to take and apprehend or to cause to be taken and apprehended all and every Such Vagabonds loose and Disorderly persons and to proceed against them and every of them According to the true intent and meaning of this Act And if any Justice of the peace Sheriff Under Sheriff Bailiff Constable or other officer whatsoever shall delay refuse or neglect to do or Execute Such his Duty by this Act enjoined Such Justice of

the Peace Sheriff undersheriff Bailiff Constable or other Officer whatsoever or any other person refusing to be Aiding and Assisting therein Shall for every Such Delay neglect or refusal forfeit the Sum of forty Shillings to be paid to any person who Shall inform and Sue for the Same in any Court of Record to be held in either of Said Countys or before any two Justices of ye peace of said Countys one of whom to be of the Quorum.

AND BE IT FURTHER ENACTED and it is by the authority aforesaid Enacted for the better and more effectual Execution of this Act and every thing therein Contained That four Constables Shall be Yearly Elected at the times already fixed and Settled for the Election of Constables for Such part and So much of the County of Ulster as is esteemed to be and is within the Lines limits and Boundarys of the reassumed Lands late belonging to Cap't John Evans and that now are or hereafter may be regranted to other persons Two of which Constables to be Elected and Chosen from and out of Such of the Inhabitants of Said Lands as have habitations within the distance of Six English miles from the West Bank of Hudsons River And the other Remaining two Constables to be elected and Chosen from and out of the Inhabitants of Such of said Lands as have their habitations at the least Six Miles Distance from the Said West Bank of Said hudsons river

AND it is also hereby ENACTED that three Constables be Yearly Elected by the Inhabitants of that part of the County of Orange late in the possession of Capt John Evans and by Act of General assembly aforesaid Reassumed and that now is or hereafter may be Regranted to other persons by his Majestie his heirs or Successors in Such manner and in Such parts and places thereof as Shall to the Electors Seem best to Answer the true Intent and meaning and purposes of this Act

AND BE IT ALSO ENACTED and it is hereby Enacted That all the offences meant and intended by this Act to be prevented or punished And all the penalties pains and forfeitures thereby laid and incurred or that Shall be Incurred may be heard try'd Determined and Adjudged by any one Justice of the Peace in any City or County within this province Except Such offences only as are by this Act particularly Assigned to be otherwise heard try'd and Determined And all offences done Contrary to the true Intent and meaning of this Act or of any part thereof may and Shall be informed against and the pains penalties and forfeitures thereof Sued for and prosecuted in the manner before directed

within Twelve Months after the offence or offences neglect delay or refusal before-mentioned has been done or Committed and not at any time thereafter.

AND forasmuch as most of the Tenants in Chief and owners of Land within the Tract before mentioned have been at very Considerable trouble Cost Charge and Expence in laying out or clearing a highway or Road from the Upper Settlements down to Hudsons River whereby many of Such owners were induced to make Considerable Improvements themselves & others Encourged to make the like improvements and Settlements at and near the paltz River But there being no act to oblige persons who have a benefit by the Road aforesaid to work Yearly a Certain Number of Days in the Clearing of the Same by which means the said Road made at the Expence of the Tenants in Chief only, is So Incumbered and already Cover'd and grown over by Brush that it is absolutely necessary to clear or alter it in Such manner as may render the same Commodious for Such persons as already are or hereafter may be Settled nigh the Said Paltz River BE IT THEREFORE ENACTED by the Authority aforesaid that Cadwallader Colden Esq'r. be and Said Cadwallader Colden is by this Act authorized and appointed Commissioner with full power to lay out a Road or highway in the Lands lately known by the Name of Evan's Patent in the County of Ulster which Shall be a Common Road or highway for all persons whatsoever and Shall begin at a Mill lately Erected by one Johannes Mengess at or near the Paltz River and Shall Extend from thence to the most Convenient or nearest Landing place upon Hudsons River and in the Straightest manner the Ground will admit of which Road is not to be Less than four Rod in Breadth And the Said Cadwallader Colden is by Virtue of this Act Impowered to Issue his Warrant at any time after the publication of this Act to the next Constable Directing him to Summons all the inhabitants dwelling within four Miles on each Side of the Road formerly made and now become useless as aforesaid and within four Miles on Either Side the Road by this Act Intended to be made to meet at Some Certain place by him assigned within the Same Distance OF Said Road and there to Choose two Overseers of highways from amongst the Inhabitants aforesaid and when Said Overseers are So Chosen the Said Cadwallader Colden Shall at his Discretion appoint a Certain Day whereon the Said Inhabitants Shall meet and work upon Such new and more Convenient Road as is before Described and one or both Said Overseers or the Overseers for the

time being are hereby obliged once in every Year So long as this act Shall remain in force to Attend Said work not Exceeding Six Days in each Year During the Continuance of this Act either in the Month of April or the beginning of October And Said Inhabitants Shall be by Warrant from the Said Cadwallader Col-den directed to the next Constable Annually Summon'd to work thereon not Exceeding Six Days each Year And every Inhabitant Shall bring with him Such necessary Tools and other Utensils proper for Said work as Said Overseer Shall Direct who are hereby Commanded to Oversee and Direct the Same So that the Said Road be well and effectually made and kept in repair And if said Overseers or either of them Shall neglect their Duty herein when Chosen or SHALL refuse to Serve in Said office Each of them So refusing to serve or neglecting to do his Duty Shall forfeit the Sum of Thirty Shillings to be Levy'd by Warrant from any Justice of the peace in Said County upon his goods and Chattles And in case he hath nothing whereby to be Distrained then he Shall be Committed to the Common Goal till Satisfaction made and if the Inhabitants aforesaid Shall neglect or refuse to appear and work at the time Enjoyed by publick notice thereof given by the Next Constable by Warrant under the hand and Seal of Said Commissioner and with Such Tools and necessary Utensils as Shall be by one or both Said Overseers Directed he Shall forfeit the Sum of Three Shillings for every day that he absents himself or refuses to Act in Compliance with any the particulars in this Act enjoyn'd, Said forfeiture or forfeitures to be Levy'd by Warrant of Distress on the person so Neglecting or refusing to Comply or him to be imprisoned in manner as aforesaid And said forfeitures to be disposed of towards Carrying on Said Road

AND BE IT FARTHER ENACTED that the said Road being laid out in manner hereby Directed Shall by the Commissioner aforesaid after the Same is Survey'd and Marked out be Entered upon Record with the Clerk of the Peace of Ulster County and Shall for ever be and remain a publick Common Road and highway

AND BE IT FARTHER ENACTED that if the Constables and overseers hereby Directed to be Elected are not Chosen by the Respective Inhabitants according to the true intent and meaning of this Act on or before the Second Tuesday in the Month of October next ensuing it Shall then be Lawfull for the next Two Justices of the peace to Nominate and appoint Such Constables and overseers who are respectively to remain Constables and

Overseers until the first Tuesday in the Month of April next ensuing On which Day Such Constables and overseers Shall Annually be Chosen by the Inhabitants respectively according to the true intent and meaning of this Act during the Continuance thereof THIS ACT to be and Remain in full force and Virtue for the Term of three Years from the publication thereof and no Longer

[CHAPTER 452.]

[Chapter 452, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 315.]

An Act to prevent Boats and other Vessels and the goods put on board of them from being Interrupted or Molested Whilst their Navigation is Confined within this Colony.

[Passed, July 24, 1724.]

WHEREAS It has been Represented to the Generall Assembly, That many Boats and other Vessells or the Goods Wares and Merchandizes put on board thereof by the Owners and others in order to Transport the Same from the City of New York to Some other Part or Place Within this Colony have frequently been Seized troubeled and Molested under Colour and pretence that Such Boats and other Vessells and the Goods Wares and Merchandizes Loaden on board thereof Should first have been Entred at the Custom house in New York Notwithstanding Such Vessell and Goods belong to his Ma'tys good Subjects within this Province and are not designed to be Carried out of the Same Whereby the Said Subjects have not only been Delayed and Obstructed in their Lawfull affairs but put to great and unreasonable Charge and Expencc before Such Seizures were removed.

TO prevent which hardships for the future the Generall Assembly pray that it may be Enacted and be it Enacted by his Excellency the Governour Council and Assembly and by the Authority thereof that after the Publication of this Act no Person or Persons whatsoever either owner or owners of any boat or Other Vessell or any Person or Persons that Shall put any goods or Merchandize aboard of Such Boat or Vessell in order to Carry the Same to any Place in this Government Shall be Obligated to Enter or Clear Such Boat or Vessell or Such goods therein Laden at the Custom House or pay any fee or reward to any Person whatsoever for the Same, but may freely put aboard any goods in any boat or other Vessell in order to be Carried or Trans-

ported to any Town Mannor Precinct or Plantation within this Province without any restraint or molestation whatsoever.

And be it further Enacted by the Same Authority that if any Person or Persons under Colour of power or Authority from the Officers of the Customs of the Port of New York or under any Colour or pretence Whatsoever Shall Seize trouble Molest or Obstruct any such Boats or other Vessels or the Goods wares and Merchandizes at any time after the Publication of this Act Contrary to the true Intent and meaning thereof, every Such Person or Persons so Seizing troubleing Molesting or obstructing Such boat or other Vessells or the Goods wares and Merchandizes to be put on board of them with an Intent to transport the Same to Some other parts within this Colony or asking Demanding or receiving any Fee or reward from the owner or owners of Such boats Vessells or goods Shall forfeit the Sum of Twenty pounds Current money of this Colony which forfeiture Shall be to the use of him or her who Shall Sue for the Same by Action of Debt Bill plaint or Information in any of his Majestys Courts of Record within this Province so nevertheless as that Such Prosecution be had and made within three Months after the Offence or Offences are Comitted.

PROVIDED always that no Person or Persons being Officers of his Majestys Customs Shall be sued prosecuted or Molested for Making Search for any Goods Prohibited or for which his Majestys Dues & Customs have not been paid or for Seizing any boat or other Vessell, or any goods therein Laden altho' the Same belong and were to be transported in manner AFORESAID, if the Same Should have bin liable to a Lawfull Seizure by the Laws of the Kingdom of Great Britain or of this Province any thing herein to the Contrary hereof in any Wise notwithstanding.

[CHAPTER 453.]

[Chapter 453, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 288. Expired October 1, 1726.]

An Act for the Fortifying the City of Albany

[Passed, July 24, 1724.]

WHEREAS the Fortifications of the City of Albany are at present in a very bad Condition mostly decayed and entirely out of repair And it being highly necessary that the Said City be Speedily Fortified in the best manner the condition and present Circum-

stances of the Inhabitants of the Said City and County will admit of Bee it therefore Enacted by his Excellency the Governour and Councill and Generall Assembly And it is hereby Enacted by the authority of the same That the mayor aldermen and Justices of the Peace of the Said City and County or the major Part of them for the time being are hereby Required and fully authorized and Impowered on the First Tuesday of October in this present year of Our Lord One Thousand seven hundred and Twenty Four and at Such other time and times thereafter during the continuance of this Act to meet in the City hall of the Said City and then and there give directions for the erecting building and compleatly finishing of Seven new Block houses besides the Two now already built and that in Such convenient place and places in the Said City as unto the said Mayor Aldermen and Justices or the major part of them by and with the advice and approbation of his Excellency the Governo'r shall seem meet and convenient So that the same bee Compleatly made on or before the first day of October which Shall bee in the year of Our Lord One thousand Seven hundred and Twinty Six and that in Such manner and form as is herein after directed That is to Say Five of the said Block howses to be made and compleatly finished on or before the First day of October which Shall be in the year of Our Lord One Thousand Seven hundred and Twenty Five And the other Two on or before the First day of October in the year of our Lord One Thousand Seven hundred and Twenty Six as aforesaid.

AND bee it further Enacted by the Authority aforesaid that Four of the said Block houses shall be made erected and compleatly finished at the proper cost and charges of the Inhabitants freeholders and Sojourners of the Said City of Albany One other thereof at the proper cost and charges of the Inhabitants freeholders and Sojourners of Canistigioene and those living to the Northward of the mannor of Renselaarswyk as farr as the County extends and the Inhabitants on the West side of Hudsons River between the mannor of Renselaarswyk and the Northside of Katskill in the said County of Albany Another thereof at the proper cost and charges of the Freeholders Inhabitants and Sojourners of the mannor of Renselaarswyk including the precinct Called Claverak in the said County And the other Block house at the proper cost and charges of the Freeholders and Inhabitants of Kinderhock the mannor of Livingston and those living to the Southward of Katskill as farr as the County extends.

AND be it further Enacted by the authority aforesaid That the said Block howses and every of them are hereby directed to be built

of good Squared Timber and Set upon Stone Foundations and be of the dementions ffollowing That is to say Twenty Two Foot square below and Twenty Seven Foot Square above the Lower Story not Less then nine Foot and not above Tenn Foot high and the upper Story to the Roof Six Foot high.

AND be it further Enacted by the Authority aforesaid That the said Mayor Aldermen and Justices of the Peace or the major Part of them are hereby required to take effectuall care that Five of the Said Block howses be well and compleatly built erected and finished in manner aforesaid On or before the first day of October in the year of Our Lord One Thousand Seven hundred and Twenty Five Two whereof to be made at the proper cost and charges of the Inhabitants of the said City of Albany and three thereof at the proper cost and charges of the respective Inhabitants of the said County of Albany as herein before particularly mentioned And the other Two Block howses to make up the number of Seven as aforesaid be well and compleatly built erected and finished in manner aforesaid and at the proper cost and charges of the Freeholders Inhabitants and Sojourners of the Said City of Albany on or before the First day of October which Shall be in the year of our Lord One Thousand Seven Hundred and Twenty Six.

AND be it further Enacted by the authority aforesaid that for the better defence of the said City of Albany That the said Mayor Aldermen and Justices of the Peace of the said City and County of Albany or the major part of them for the time being are hereby required and fully authorised and Empowered within Twelve Months next and after the Block howses by this Act directed to be made in manner aforesaid shall be respectively built and compleatly finished to cause to be erected and made a certain Fence towards enclosing the Said City of Albany to reach from Block howse to Block howse and that in manner and form ffollowing That is to Say That at the distance of Eight and not exceeding Tenn foot good and Substantiall white Oak Post be Set into the ground not less than Three foot deep and of the Length of Tenn Foot above the ground and that that part of them which is to be Set into the ground be first well burned and hardened to the end they may last longer in the Earth and that Such part of them as is to be above ground be well and Suffi- ciently hewed and Squared and that of the two Sides opposite thereof to each other there be cut and worked out a Rabbit not less then Three Inches deep and Two and a half Inchs wide And

that Planks of the length the Posts aforesaid stand a Sunder of good Pitch, Pine of the thickness not less than two Inches and a half or good white Oak Planck of the same thickness be exactly fitted in and betwixt the Said Rabbitts to the heighth of Tenn foot And that for the preservation of the said work and that all may be bound firm and stanch together there be made Tennants on all the said Posts and good long Wall plates mortased answerable to the said Tennants and then well and Sufficently pinned together and if necessary the said Planks between the Rabbitts aforesaid well and Sufficently pinned or so many thereof as unto the Said Mayor Aldermen and Justices or the major Part of them for the time being shall be thought fit and necessary;

AND be it further Enacted by the authority aforesaid that it shall and may be Lawfull to and for the said mayor aldermen and Justices or the major part of them for the time being to appoint Such person or persons to supervise and direct the workmen to be Employed by them for the making the work aforesaid as to them in their discretion shall seem meet and Convenient

AND be it further Enacted by the Authority aforesaid that it shall and may be lawfull to and for the said Mayor Aldermen and Justices of the Peace of the said City and County of Albany or the major part of them for the time being and they are hereby Authorised and directed to Raise the Sum of One hundred and Fivety Pounds Currant money of this Province on the Estates Reall and Personall of all and every the Inhabitants freeholders Residents and Sojourners within the said City and County to be by them employed for and towards the buying Plank and other materialls for the building the said enclosure and the paying of the workmen to be employed for that purpose and for no other use and purposes whatsoever And that at the times and in the proportions following That is to say the Sum of Fivety Pounds Currant money aforesaid part of the said One hundred and Fivety Pounds to be paid by the Freeholders Inhabitants and sojourners of and in the said City of Albany on or before the First Tuesday of June in the year of Our Lord One Thousand Seven hundred and Twenty Seven and the Sum of Twenty Five Pounds Currant money aforesaid part of the said One hundred and Fivety Pounds to be paid by the Freeholders Inhabitants and Sojourners of and in the said County of Albany on or before the First Tuesday of June in the said year of our Lord One

thousand Seven hundred and Twenty Seven And the Sum of Fifty Pounds Currant money aforesaid part of the aforesaid One hundred and Fifty Pounds to be paid by the freeholders Inhabitants and sojourners of and in the said City of Albany on or before the first Tuesday of June in the year of our Lord One thousand Seven hundred and Twenty Eight And the Sum of Twenty Five Pounds Currant money aforesaid being the Remainder of the said One hundred and Fifty Pounds to be paid by the Freeholders Inhabitants and Sojourners of and in the said County of Albany on or before the first Tuesday of June in the year of Our Lord One thousand Seven hundred and Twenty Eight.

AND for the more easy and effectuall raising and levying the Respective Sum and Sums of money Imposed by this Act on the time and times herein limited and appointed Bee it enacted by the Authority aforesaid That it shall and may be Lawfull to and for the Mayor Aldermen and Justices of the Peace of the Said City and County of Albany or the major Part of them for the time being and they are hereby Authorised empowered and required to assemble in the City hall of the said City of Albany or Such other place and places within the Said City as unto them shall Seem meet on every Second Tuesday in the months of Aprill in the aforesaid yeares One thousand seven hundred and Twenty Seven and One thousand Seven hundred and Twenty Eight And then and there cause to come before them or the Major part of them as aforesaid the Assessors of the said City and County for the time being and order them to assess on the Estates Reall and Personall of the freeholders Inhabitants Residents and Sojourners of and in the Said City and County of Albany respectively the Sum and Sumes of money respectively imposed on them by virtue of this Act so that they return their Assessments under their hands and Seales unto the said Mayor Aldermen and Justices or the major part of them for the time being on every Third Tuesday of the month of Aprill in each and every of the years aforesaid upon which return the Said Mayor Aldermen and Justices or the Major Part of them are hereby directed and empowered to Issue forth their Warrants to the respective Collectors of the Said City and County for the time being to Collect the Sum and Sumes so respectively assessed of and from all and every the freeholders Inhabitants Residents and Sojourners in the Said City and County of Albany So that they pay in the Said Sum and Sumes so Collected in

each Respective year as aforesaid unto the Treasurer of the said County or to such other person or persons as the said Mayor Aldermen and Justices or the major Part of them shall appoint for that purpose on or before every first Tuesday of June in the years aforesaid to be afterwards disposed of for the uses herein beforementioned and exprest and not otherwise by warrant, under the hands and Seales of the said Mayor Aldermen and Justices or the major Part of them for the time being Provided allways that every Collector respectively be allowed Nine Pence in the Pound for his trouble and paines in Collecting and Receiving the Same and Six pence in the Pound to the said Treasurer or other person so appointed as aforesaid for his pains and care therein to be assessed levied and paid over and above the Respective Sumes aforesaid

AND be it further enacted by the authority aforesaid that if any of the Assessors or Collectors of the said City and County of Albany for the time being shall deny neglect or unequally and partially assess or refuse to make Such assessment as by this Act is appointed or shall deny neglect or refuse to Collect any Sum or Sumes of money in form beforementioned laid Taxed and assessed And thereof be Convicted before any Two Justices of the Peace of the said City and County who are hereby required and empowered to hear and determine the same shall by Warrant under the hands and Seales of Two Such Justices of the Peace be Comitted to the Comon Goale of the said City and County there to remain without Bail or mainprize till he and they shall make fine and ransom for Such contempt as aforesaid.

AND be it further enacted by the authority aforesaid That if any person or persons residing in the said City and County of Albany shall refuse neglect or delay to pay the Severall Sum and Sumes of money appointed by this Act and Assessed in manner aforesaid for Such person or persons to pay upon demand may by the Collector of the Respective Ward or district of the said City and County of Albany where Such person or persons shall dwell or reside it shall and may be Lawfull to and for Such Collector for non Payment thereof to distrain Such person or persons so refusing delaying or neglecting by his and their goods and Chattles and the distress so taken to keep the Space of Four day's at the Cost and charges of the Owner thereof. And if the owner or owners thereof do not pay the said Sum and Sumes of money so destrained for within the said ffour days then the Said distress to be publickly sold by the Collectors for the

Payment of the said money and the overplus coming by such Sale (if any there be) over and above the charge of taking keeping and Selling the said distress to be Immediately restored to the owner

AND be it further enacted by the authority aforesaid That if any Justices of the Peace within the Said City and County of Albany who are hereby required empowered and authorised to take effectuall care that this Act be duly executed Acording to the true intent and meaning thereof shall deny refuse neglect or delay to do perform and execute all or any of the Powers duties and Authorities by this Act required of him or them to be done and shall thereof be Lawfully Convict before any of his Majesties Courts of Record within this Colony he or they shall Suffer such Pains by Fine and Imprisonment as by the discretion of the Justices of the said Courts shall be adjudged.

PROVIDED allways and it is hereby further enacted by the Authority aforesaid That the Freeholders and Inhabitants of the Town of Schanegtade within the said County of Albany and every of them bee and hereby are exempted from the paying of any Sum or Sums of money imposed by this Act And bee allso and hereby are exempted from the making or Contributing to the making of all or any of the Block howses by this Act directed to be made and erected any thing herein contained to the contrary hereof in any wise notwithstanding

AND to the end all and every of the Block howses by this Act directed to be built be Actually erected and compleatly finished at the respective time and times hereby limited Bee it further enacted by the authority aforesaid That if either of the said City of Albany or the severall districts and places hereby directed to build the respective Block howses in manner aforesaid shall neglect refuse or delay to build erect and compleatly finish the Same and every of them at the Respective time and times hereinbefore Limited and appointed the said City of Albany and the said Severall districts So neglecting refusing or not erecting and compleating the same Respectively Acording to the directions of this Act Shall respectively forfeit and pay the Sum of Eighty Pounds Currant money of this Colony for every Such Blok howse as shall not be by them respectively built erected and compleatly finished on or before the days and times hereinbeforementioned and exprest Acording to the true intent and meaning of this Act to be recovered of the Respective parties so refusing neglecting delaying or not building erecting and compleatly finishing the

said Respective Blok howses in manner aforesaid and at the time and times hereby limited and appointed in any Court of Record within this Province by Bill Plaint or Information Two Third parts whereof to be employed for and towards the Fortifications of the said City of Albany And the other third part to Such person or persons as shall Sue for and Recover the same

And to the end the monies raised and Levyed by virtue of this Act may be managed to the best advantage and for the uses for which the same is raised Bee it further enacted by the Authority aforesaid That the said Mayor Aldermen and Justices of the Peace of the said City and County of Albany for the time being or the major part of them are hereby directed and required to cause Publick advertisements to be affixed and Set up at the most Publick places within the said City and County at least Eight months before the aforesaid fence or Inclosure directed to bee made by this Act is to be Set up around the Said City And therein and thereby to give notice That at a certain day therein to bee Prefixed the making and erecting of the said fence or enclosure is to be let out to be done to Such person or persons as shall and will undertake the making thereof at the Cheapest and Easiest rate payable in ready money at the finishing of their respective work. And the said Mayor Aldermen and Justices or the major part of them for the time being are hereby fully Authorised and Empowered to sett out the said work either from five Pannells to a hundred or from Blok howse to Blok howse as they shall Judge most expedient for the better compleating of the aforesaid enclosure at the Cheapest and Easiest Rate

[CHAPTER 454.]

[Chapter 454, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 309.]

An Act to Enable the Mayor Aldermen and Comonalty of the City of Albany to Defray the Publick and Necessary Charge of the Said City.

[Passed, July 24, 1724.]

WHEREAS it is highly reasonable that the Publick and necessary Charges of the City of Albany be duly Satisfied and Defrayed Be it therefore Enacted by his Excellency the Governour and Council and Generall Assembly of this Colony, And it is hereby Enacted by the Authority of the Same that it Shall and may be Lawfull To and for the Mayor Aldermen and Comonalty of the City of Albany for

the time being and they are hereby fully Authorized and Impowered to order the Assessing and Levying on the Estates real and Personal of All the Freeholders Inhabitants and Sojourners of and in the Said City of Albany Such Sum and Sums not Exceeding the Sum of Sixty pounds Current money of New York as they Shall Judge necessary for the defraying the Publick and Necessary Charges of the Said City.

And for the due and better Assessing levying and Collecting the Sum of money so Assessed and Levyed in manner aforesaid. Be it Enacted by the Authority aforesaid that the Mayor Aldermen and Comonalty of the Said City of Albany for the time being are hereby Directed and Authorized on or before the fifteenth Day of August in this present Year to Assemble and meet Together in the City Hall of the Said City and then and there to Cause to Come before them the Assessors and Collectors of the Said City of Albany for the Assessing Collecting and receiving of the Publick rates for the Defraying the Publick Charges of the Said City for the time being who are hereby appointed to be the Assessors and Collectors for the Assessing and Collecting the moneys to be raised by Virtue of this Act and then and there Order and Direct the Said Assessors to make the Assessment of the Said Sum of money so Levyed and raised as aforesaid on all and every the respective Freeholders Inhabitants and Sojourners of and in the Said City so that they return their Said Assessment under their hands in to the Towns Clerks Office of the Said City on or before the thirtieth Day of August then next Ensuing and then also order and Direct the Said Collectors to Collect and receive the Same of and from the respective Freeholders Inhabitants & Sojourners of & in the Said City according to ye proportion they Shall be Assessed and rated so that they pay in the moneys so Collected and received unto the Treasurer of the Said City on or before the fifteenth Day of September then next ensuing to be afterwards disposed of for the defraying of the Publick and Necessary Charges of the Said City by order of the Said Mayor Aldermen and Commonalty of the Said City as they Shall See reasonable & necessary.

AND be it further Enacted by the Authority aforesaid that the Said Mayor and Aldermen of the Said City of Albany have and Shall have by Virtue of this Act full power and Authority each of them by himself to Administer to Such Assessor or Assessors appointed or to be appointed for the Execution of this Act an Oath that they Shall well and truly execute the office of an Assessor and well and truly equally impartially and in due proportion assess and rate the

Estates real and Personall of the freeholders Inhabitants and Sojourners of and in the Said City of Albany according to the best of their Skill and knowledge and therein Shall Spare no Person for favour or Affection or greieve any Person for hatred or ill Will and the Said Assessors are hereby required to deliver a Coppy of their Assessment fairly written and Subscribed by them into the Town Clerks Office of the Said City on or before the Said thirtieth Day of August and the Said Clerk is hereby directed and required to Cause the Assessment so delivered to him to be fairly Coppied and to be Signed by the Mayor and any two or more of the Aldermen of the Said City and then fourthwith to be delivered to the respective Collectors of the Said City in order to Cause the Collecting the Sum of money aforesaid to be paid in by the Said Collectors unto the Treasurer of the Said City on the fifteenth day of September aforesaid.

And be it further Enacted by the Authority aforesaid that if any Person or Persons elected nominated or Chosen or to be Elected nominated and Chosen Assessors or Collectors by Virtue of this Act Shall Deny REFUSE neglect or Delay or unequally and partially assess the freeholders Inhabitants and Sojourners of the Said City or Shall deny neglect refuse or delay to Collect any Sum or Sums of money in form beforementioned Assessed that then it Shall and may be Lawfull for the Mayor and Aldermen of the Said City of Albany for the time being or any two of them and who by this Act are required and Impowered to do the Same by warrant under their hands and Seales to Comit Such Assessors or Collectors so denying refusing neglecting or delaying or unequally or partially Assessing or refusing to Collect as aforesaid to the Common Goal there to remain without bail or mainprize untill he or they Shall make fine and ransom to his Ma'ty for Such his Contempt as aforesaid and upon Such Committment the Said Mayor Aldermen or the Major part of them are hereby required and Empowered with all Speed to appoint other Assessors or Collectors in the room and Stead of Such so Comitted to Goal as afores'd and Such Assessers or Collectors so appointed in manner aforesaid Shall be to all Intents and purposes the Assessors and Collectors for the Executing of this Act in the room and Stead of those Committed as aforesaid & be lyable to the Same regulations pains and forfeitures as the other Assessors & Collectors by this Act are lyable unto.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons Shall neglect or refuse to pay the Severall rates and Assessments where with they Shall from time to time be charged by this ACT for or in respect of his and their goods and

Chattles lands or tenements upon Demand of the Collector or Collectors that are or Shall be Chosen and appointed to receive the Same or within Ten Days after Such Demand that then it Shall and may be Lawfull to and for Such Collector or Collectors and they are hereby required for non payment thereof by Warrant under the hand of the Mayor and Aldermen of the Said City for the time being or the Major part of them to distrain the person or Persons so refusing or neglecting to pay by his or their goods or Chattles or distrain in and upon the Messages Lands and Tenements so Charged and the goods and Chattles then and there found and the distress so taken to Carry away and the Same to Expose to Sale within the Said City for the payment of the Said rate or Assessment and the overplus Ccmeing by the Said Sale if any be over and above the Charges of taking and Carrying away the Said distress to be Immediately returned to the owner thereof.

[CHAPTER 455.]

[Chapter 455, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 313. Expired the first Tuesday in April, 1727.]

An Act to prevent Damages by Swine in Dutchess County and in the Mannor of Livingston and in the Precinct of the Mannor of Renslaerwyck called Claverack in the County of Albany.

[Passed, July 24, 1724.]

BE it Enacted by his Excellency the Governour Council and Assembly and by the authority of the same, That within Dutchess County the Mannor of Livingston and the Precinct of the Mannor of Renselaerwick called Claverack, from and after the Publication of this Act, no Swine Small or great shall or do run at Liberty in Streets, Lanes, Meadows or undivided or Common Land, or within their Neighbours Feilds or Inclosures, upon any pretence or Excuse whatsoever, under penalty, That it shall and may be Lawful for any Person or Persons, who Shall find any Swine at Liberty as aforesaid after the Publication hereof, either in the Streets, Lanes, Meadows, Common or undivided Lands, or the Feilds or Inclosures of any Person, except the Fields and Inclosures of the Owners of the said Swine, to take the Said Swine, and them to Impound in any Pound in the said Town or Precinct where they Shall be taken there to remain until the Owner or Owners of Such Swine, Shall pay and

Sattisfy for the first Offence the Sum of Nine pence, Lawful money of this Colony, for each Swine so found and Pounded to him who Shall take Impound and keep the Same. And for the Second Offence and every Offence after; the Sum of Three Shillings, to be paid in manner aforesaid. And in Case it Shall so happen, that after Eight and Forty hours notice of Such Impounding, the Owner or Owners of Such Swine, shall or will not redeem his or their Swine, by paying the Penalties aforesaid, that then it shall and may be Lawfull for the Person or Persons so taking and Impounding Such Swine, to expose the same to open Sale to the highest Bidder and the money ARISING from Such Sale to dispose of, the one half to his own proper Use, and the other to the Overseers for the Use of the Poor of the Town or Precinct where such swine shall be taken and Impounded.

And be it further Enacted by the Authority aforesaid, that there shalbe three General Pounds in Dutchess County, which shalbe Erected at the Publick Charge of the Said County, that is to say, One in the North Ward, one in the Middle Ward, and one in the South ward, and that it shall and may be Lawful for the Justices or the major part of them of the said Three respective Wards to Nominate the Pounder of said General Pounds, who shall So Continue till the first Tuesday in April next, when the respective Inhabitants of the said three Wards are to Chose Yearly during this Act the Pounder for the Succeeding Years

And be it further Enacted by the Authority aforesaid, that there shalbe four General Pounds in the Mannor of Livingston, which shall be Erected at the Publick Charge of the said Mannor, that is to Say, one in the Precinct near where the Church Stands, one in the Precinct where Jacob Vosburgh lives, one in the Tarwards, and one at Taghkanik and four Pounders Chosen Yearly at the time when Officers for every respective City and County in this Province, which General Pounds shalbe for other Creatures that may Comit Damage to the Neighbourhood as well as for Swine, and that the Pounders may be Nominated in the mean time, till Such Choice can be made by the Justice of the Peace that lives in that, or next to that Precinct, where the General Pound is to be made and Erected.

And be it further Enacted that this Act shall no way bar or Exclude any Man from Damages done by any Swine or other Creatures, but that the Same may be had and Recovered as if this Act had never been made.

PROVIDED always, that every and all Act and Acts heretofore made To remedy Damages done by Swine, be and Continue in

their full force, any thing in this Act notwithstanding. And this Act shall remain in force till the first Tuesday in April One Thousand Seven hundred twenty Seven.

PROVIDED also that this Act so far as it relates to Dutchess County shall not Extend to the southside of Fish Kill any thing herein Contained to the Contrary thereof in any wise notwithstanding.

[CHAPTER 456.]

[Chapter 456, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 301. Continued by chapter 506.]

An Act for Laying out and Clearing Publick Highways in the Precinct of Skohare in the County of Albany.

[Passed, July 24, 1724.]

BEE IT Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the persons hereinafter Named Shall be and are hereby appointed Commissioners to Regulate and lay out Publick Highways within the Precinct of Shohare in the County of Albany who are and Shall be Authorized and Impowered to put the Services Intended by this Act in Execution thro'out the Said Precinct that is to Say Peter Vroman John Lawyer Esq'rs and Mr. Wilhelm York who are respectively to have the Same Wages as other Commissioners in the County of Albany have by an Act made in the ninth Year of his present Majesties Reign during the time they are upon the Said Service. And be it Enacted by the Authority aforesaid, That the Commissioners or the Major part of them are hereby Impowered and Authorized to lay out Publick Roads in all Such Places as to them or the Major part of them Shall Seem meet and Convenient and to take a View of Roads now used, and if they find any Inconveniency in any of the Said Roads they or any two of them have power to Alter the Same, and to lay out Such other Highways or Publick Roads as they Shall think most Convenient for Travellers as well as for the Inhabitants.

PROVIDED always that nothing in this Act Shall Extend or be Construed to Impower the Commissioners aforesaid to alter any Road that is already Comodious so as to lay it out thro' any Improved or Inclosed Lands without Consent of the Owners thereof, and if any Dispute Shall arise concerning the Same, any two Justices of the Peace Shall determine Such Controversy with Six of the Neighbourhood not having any INTEREST in the Land about which Such Controversy may or Shall arise

And be it Enacted by the Authority aforesaid, That if any Person or Persons do or Shall without the Consent of the Said Commissioners or the Major part of them Stop up or alter any highways, way or Road that Shall be laid out by the Said Commissioners Shall upon Conviction before any two or more of his Ma'tys Justices of the Peace within the Said County on the Oath of one or more Credible Witness, forfeit the Sum of fourty Shillings to be applyed by the Said Commissioners towards repairing the Highways that Shall be laid out in the Said Precinct to be Levyed by a Warrant from the said Commissioners or the Major part of them Directed to a Constable of the Said Precinct to Levy the Said Distress, and within three Days (after Publick Notice given) Shall make Sale of the Same pay the forfeiture and Charges and return the overplus (if any be) to the owner or owners.

And be it further Enacted by the Same Authority, That the Inhabitants of the Said Precinct by and thro' which Lands any Common Publick Roads or Highways have Shall or may run or be hereafter Ascertained or laid out are hereby Obligated to Clear and maintain the Same by Cutting or Stubing the Brush up pulling up the Stones that Can be Carried off the breadth of twelve foot and the Limbs of trees hanging over the Said Roads to be Lopt and Carried off and so often as the Said Inhabitants or any of them Shall be duly warned by the said Commissioners for the time being Shall respectively by themselves or their Servants after Seasonable Notice given appear at Such places and times as Shall from time to time be appointed and then and there work in the Road or highways not Exceeding Six Days in the Year under the penalty of three Shillings for Each Day every Person Shall neglect or refuse SUCH Service, to be Levied by any Constable in the Said Precinct by Distress and Sale of the Offenders Goods and Chattles by Warrant from the Said Commissioners of the Highways or any two of them for the time being returning the Overplus of Such Sale if any be after the fine and Charge is paid.

And be it also Enacted by the Same Authority, That where any Highway from any Plantation to any Meadows or Mills Shall run thro' any particular Persons Ground, he Shall be allowed the Same quantity of Land as the Said Road or Highway Shall take from or Deprive him of, by the Neighbourhood Equally Share and Share alike with him and it Shall and may be Lawfull for any Such Person or Persons by the approbation of the Said Commissioners to place and hang good Swinging Gates on Such Highways and keep them in repair at their own proper Cost and Charge.

And be it further Enacted by the Authority aforesaid, That if the Commissioners of the Roads and Highways Shall think fit and have Occasion of any Team Cart or Plow and a man to Manage the Same the Said Team Cart or Plow and a Man to Manage the Same, Shall be Esteemed to be Equal to three Days Work of a Single Man and the ffine in proportion to be Double and every Working Man Shall and is hereby Obligated to bring Such Spades, Axes, Crows Pick Axes, and other Utensils, as Shall be directed by the Commissioners as aforesaid.

And be it Enacted by the Said Authority that in Case any Person or Persons Shall Stake or Shore open any Gate or Gates as aforesaid or otherwise ride over and thro' any Lands, Meadow Grounds or Corn fields to the Damage of the Owner or Owners thereof, Shall for every Such Offence FORFEIT Six Shillings to be recovered and applyed by the Said Commissioners towards repairing the Publick Highways or Roads & pay all Damage with the Costs the Owner of the Soil or Tenant Shall Suffer or Sustain thereby, as any of his Majestys Justices of the Peace of the Said County Shall Determine whose Determination Shall be a finall Judgment.

AND be it further Enacted by the Authority aforesaid, that if any of the Commissioners appointed by this Act as aforesaid Shall neglect or refuse to put the Severall Clauses Expressed in this Act in Execution or by Death or removal out of the Said Precinct, it Shall and may be Lawfull for the Justices of the Peace or any two of them in the Said County wherein Such refusall neglect or removal Shall so happen as aforesaid to appoint another Commissioner or Commissioners in the Roome of him or those, who Shall refuse or neglect the Services aforesaid, and Such Commissioner or Commissioners so appointed Shall have the Same Powers and Authoritys as those Named and appointed by this Act.

And be it also Enacted by the Same Authority, That the Said Commissioners Shall from time to time Dureing the Continuance of this Act Enter in writing all the Highways or Roads by them laid out altered or Stopt up and Sign the Same by putting their Names thereto and Cause the Same to be Entred in the Said County Book by the Clerk of the Said County and all whatsoever the Said Commissioners Shall do according to the powers given them in this Act being so entered IN the said Book Shalbe Deemed Valid and Good to all Intents and purposes whatsoever

This Act to Continue in force for Three Years from the Publication hereof and no Longer.

[CHAPTER 457.]

[Chapter 457, of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for paying Gerrit Van Horne David
Provoost Johannes Jansen and Jacobus Kip
Esq'rs for Serving in Generall Assembly

[Passed, July 24, 1724.]

WHEREAS Gerret Van Horne David Provoost Johannes Jansen and Jacobus Kip Esq'rs have Served in Generall Assembly as Representatives for the City and County of New York.

BE IT Enacted by the Governour Council & Generall Assembly and it is hereby Enacted by the Authority of the Same, That the Mayor Recorder Aldermen and Comonalty of the Said City Shall and are hereby Directed and required on or before the first Tuesday in September next after the Publication of this Act to meet at the City Hall of the said City and then and there order the raising on the Inhabitants Residents and Sojourners of and in the said City and County the Sum of Six Shillings Current money of the Province of New York for every Day it Shall appear by Certificate Signed by the Speaker of the Generall Assembly for paying and Satisfying the said Garret Van Horne David Provoost Johannes Jansen and Jacobus Kip or their Assigns respectively for the said Service and over AND above for Collecting of the said money to every Collector the Sum of Nine pence in the Pound and to the City Treasurer for receiving and paying the Same the Sum of one Shilling in the Pound and pursuant to the Order of the Mayor Recorder, Aldermen and Comonalty for the time being to be made as aforesaid, a Warrant or Warrants Signed by the Mayor Shall be Issued to the Assessors and Collectors of each respective ward within the said City and County requiring them to make Such Assessment and Collection & to pay the Same to the Treasurer of the said City for the time being, at Such Convenient time as Shall be agreed on by the said Mayor Recorder and Comonalty so nevertheless that the Said Sum of Six Shillings for every Days Service as aforesaid Sundays Excepted Shall by the Treasurer of the Said City for the time being, be paid to the said Gerrit Van Horne David Provoost, Johannes Jansen and Jacobus Kip or their Assigns Respectively for the Service on or before the Second Tuesday in the Month of November which Shall be in this present Year of our Lord one thousand Seven hundred and twenty four.

And be it further Enacted by the Authority aforesaid that if any Person or Persons Shall Neglect or refuse to pay any Sum or Sums of money which he she or THEY Shall be Assessed by Virtue of this Act that it Shall and may be Lawfull for the Collector or Collectors thereof to Levy the Same by Distress and Sale of his her or their Goods and Chattles with reasonable Charges for Distraining Restoring the Overplus if any be.

And be it further Enacted by the Authority afores'd that if the Mayor Recorder Aldermen and Comonalty of the said City or any of the Assessors or Collectors aforesaid who are hereby Required Impowered and Authorized to take Effectuall Care that this Act be duely Executed according to the true Intent and meaning thereof. Shall Deny refuse neglect or Delay to performe and Execute all or any of the Powers Dutys and Authoritys in this Act required to be done and performed by them Respectively and Shall thereof be Lawfully Convicted in any Court of Record in this Colony he or they so denying refusing or Delaying to perform the Dutys aforesaid Shall Suffer Such pains by fines and Imprisonment as by the Discretion of the Justices of the Said Courts Shall be adjudged, To be Sued and Recovered by the said Garret Van Horne David Provoost Johannas Jansen and Jacobus Kip or any of them in any Court of Record within this Province.

And be it further Enacted by the Authority AFORESAID that whatever Shall be allowed unto every the above named Gerret Van Horne David Provoost Johannes Jansen and Jacobus Kip pursuant to the Directions of this Act and by them be received Respectively from the City Treasurer that their and every of their receipts on the back of the Certificate of the Speaker for each of their Services as aforesaid, Shall be a good and Sufficent Discharge to the Said City Treasurer for so much as in the said receipts Shall be mentioned & Exprest

[CHAPTER 458.]

[Chapter 458, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 311.]

An Act to Enable the Justices of the Peace in Queens County to Finish and Compleat the Goal and Court House already Erected in the Said County

[Passed, July 24, 1724.]¹

WHEREAS The Justices of the Peace of Queens County on the Island of Nassau or the greater Number of them have by Virtue of

an Act of the Generall Assembly pass'd in the Ninth Year of his Majesties Reign Entituled an Act to Revive an Act Entituled an Act to Authorize the Justices of the Peace to build and repair Goals & Court Houses in the Severall Countys of this Province so far as it relates to Queens County raised Levyed and Collected of from and upon all and every the Freeholders, Inhabitants and Sojourners within the County aforesaid the Sum of four hundred pounds for and towards the Building a Goal and Court House of a larger Demension than the former Goal and Court House was.

AND Whereas the Justices of the Peace aforesaid or the greater Number of them have out of the money Raised Levyed & Collected as aforesaid, already Built and Erected Such a Structure within the Town of Jamaica as is generally Esteemed Deemed and allowed of to Answer the end and purpose aforesaid. But for as much as the money so raised Levyed and Collected as aforesaid was not Sufficient to finish the outside work of the said Building so far as it is Carried on already unless Some or all of the aforesaid Justices had engaged their Personall Security and Credit for payment of Such part as it proved deficient AND to the end the Said Justices may not Suffer by Engageing for so Publick and Necessary a Building and that the Same may be Compleatly Perfected and finished, as well for the Conveniency of holding Courts of Justice and Securing Prisoners as for the ornament and Reputation of the County aforesaid.

Be it Enacted by his Excellency the Governour Council and Generall Assembly, and it is hereby Enacted by the Authority of the Same, that it Shall and may be Lawfull for the Justices of the Peace or the Greater Number of them, at the Generall Sessions of the Peace to be held for the Said County to Raise Levy and Collect of from and upon all and every Freeholders Inhabitant and Sojourners within the Said County at Such time and times as to them Shall Seem most Convenient, a Sum not Exceeding the Sum of five hundred pounds by the Same Rules Methods, and under the Same Regulations and Restrictions as are Enacted ordered and directed in and by an Act of the Generall Assembly Entituled an Act to Authorize the Justices of the Peace to Build and Repair Goals and Court Houses in the Severall Countys within this Province pass'd in the fifth Year of his Majesties Reign in as full and Ample manner to all Intents Constructions and purposes whatsoever as if the said last mentioned Act (so far as it Relates to Queens County) and every Clause and Article thereof had been particularly and at large Incerted in the Body of this Act

And to then end there may be no delay in finishing AND Compleating the Court House and Goal aforesaid which it is Conceived may better and Sooner be done and managed under the Care and Management of one Person than many. Be it farther Enacted by the Authority aforesaid, that the money to be Raised by Virtue of this Act, Shall from time to time be paid by the Severall and Respective Collectors unto Mr. James Jackson to be Employed by him for Materials and Workmanship to and for the use and purposes aforesaid, and to no other use and purposes whatsoever according to Such Orders and Directions as he Shall from time to time receive for that purpose, from the Justices of the Peace of the Said County or the greater part of them. He the Said James Jackson first giving Sufficient Security at the Generall Sessions of the Said County for his Due and true Disposition of the moneys to be received by him by Virtue of this Act and that he Shall and will at all times be accountable for the Same when there unto required by the said Justices at any of the Generall Sessions to be held for the said County

And be it further Enacted by the Authority aforesaid that it Shall and may be Lawfull to and for the above named James Jackson to retain in his own hands for all the money to be received by him, by virtue of this Act, and for Employing the Same in materialls and workmanship to and for the use and purpose aforesaid and for keeping and rendering Accounts thereof, two pounds for every hundred pounds to be received and Employed by him as aforesaid, and so In proportion for a greater or Lesser Sum.

And be it further Enacted by the Same Authority that it Shall and may be Lawfull to and for the Justices of The Peace aforesaid or the greater number of them at the first or any other of the Generall Sessions to be held for the County aforesaid, to name and appoint a Comittee out of the Same Justices for the ordering and directing the said James Jackson how and in what manner the Goal and Court House aforesaid Shall be finished and Compleated and the Said James Jackson is hereby Obligated to Observe the Same accordingly which said Comittee Shall and may from time to time Inspect Examine & Audit all the Severall and Respective Accounts for Workmanship and Materials already Employed or hereafter to be Employed for and towards the finishing and Compleating the Court House and Goal before mentioned and for all Such Acco'ts as they

Shall find Just, and do allow of as Such the Said Comittee or any five of them Shall Issue Warrants for the Same under their hands and Seals, directed to the aforesaid James Jackson who is hereby Required to pay and Discharge the Same in Court, out of the moneys to be Received by him by Virtue of this Act as he Shall from time to time Receive the Same, And the Payment of all Such Warrants with proper Receipts thereon from the Respective Persons to whom they are payable Shall be good and Sufficient Vouchers to the Same James Jackson for so much as in Such Warrant or Warrants Shall be mentioned and Exprest.

And be it farther Enacted by the Authority aforesaid that in Case there Shall be any part left of the money to be Received by the said James Jackson by Virtue of this Act, after the above mentioned Court House and Goal Shall be finished and Completed all Such overplus Shall be for the benefit of Queens County aforesaid and that it Shall and may be Lawfull for the JUSTICES of the Peace or the greater Number thereof, at any Generall Sessions to be held for the Said County to Employ the Same for and towards the Payment of their Anuall County Charge.

And that the good purposes intended by this Act may not be defeated or Delayed. Be it further Enacted by the authority aforesaid, That upon the Death Refusal or neglect of the before named James Jackson to do and performe the Several Services hereby Directed to be performed by him it shall & may be Lawful to and for the Justices of the Peace aforesaid, or the greater Number of them or for the Comittee to be appointed out of them in manner aforesaid, to Name Constitute and appoint one or more Persons in his Stead, who Shall have the same power and allowance and be under the Same Regulations and Restrictions as if he or they had been expressly named in the Body of this Act.

[CHAPTER 459.]

[Chapter 459, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 304. Continued by chapter 471.]

An Act for the further laying out Regulating and better Clearing Publick Highways in the County of Suffolk.

[Passed, July 24, 1724.]

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the Persons hereinafter named shalbe and are hereby appointed

Commissioners to Regulate and Lay out Publick Highways within the County of Suffolk shall be authorized and Impowered to put the Services intended by this Act in Execution thro' the several Towns, Mannors and Precincts for which they shall Respectively be named and appointed, that is to say.

For the Township of East Hampton Captain Cornelius Conkline Captain Matthias Burnet and Thomas Chatfield Esq'r.

For the Township of South Hampton Theophilus Howell Esq'r. John Post and Christopher Foster.

For the Township of South Hold Benjamin Youngs Esq'r Captain James Reeve and Joseph Wickham Esqr.

For the Township of Brookhaven Richard Floyd Esq'r Selah Strong Esq'r and Samuel Tomson.

For the Township of Smith Town Jonathan Smith Esq'r Edmund Smith and Obadia Smith.

For the Township of Huntingdon Epenetus Plat Esq'r John Wyckes Esq'r and Alexander Bryan.

AND be it Enacted by the Authority aforesaid, That the Commissioners or the Major part of them respectively, for the respective Towns for which they are appointed Commissioners, are hereby Impowered and Authorized to lay out Publick Roads in all Such places as to them or the Major part of them shall Seem Convenient and to take a Review of the Roads already laid out and if they find any Inconveniency in any of the Said Roads, they or any two of them have power to alter the Same, and to lay out Such other Highways or Publick Roads as they shall think most Convenient for Travellers as well as for the Inhabitants of the Several Towns, Villages or Neighbourhoods next Adjacent.

PROVIDED always, that nothing in this Act contained Shall Extend or be Construed to Impower the Commissioners aforesaid, to alter any Road that is already Comodious, so as to lay it out thro' any Improv'd or Inclosed Lands, without the Consent of the Owners thereof, and if any Dispute Shall arise by that Means, the Same Shall be Determined by any two Justices of the Peace & Six of the principal Freeholders of the Neighbourhood, not having any Interest in the Land about which Such Dispute may arise.

And be it Enacted by the Authority aforesaid, That if any Person or Persons within the County aforesaid, do or hereafter shall without the Consent of the Commissioners or the Major part of them for the Town, Mannor or Precinct for which they are by this Act appointed Commissioners, Alter Stop up, turn

a Side or Lessen any Highway or Road that has heretofore been laid out, or shall hereafter be laid out, by the said Commissioners, or by any former Comm'rs. appointed by Act of General Assembly to lay out the Same, shall upon Conviction before two or more of his Majesties Justices of the Peace within the said County on the Oath of one or more Credible Witness, forfeit the Sum of Five Pounds to be applyed by the Commissioners of each respective Town where Such Offence shall be Comitted towards repairing the Highways to be Levyed by a Warrant from the Commissioners of the Respective Town Mannor or Precinct where Such offence Shall be Comitted or the Major part of them Directed to the Constable of Such Town Mannor or Precinct to Levy the said Distress, and within three days after Publick notice given, shall make Sale of the Same, pay the Penalty And Charges, and return the Overplus if any be to the Owner or Owners.

And be it further Enacted by the Authority aforesaid, That if any Publick Road or Highway shall Lead thro' any Meadow Grounds or Cornfields the Dimension of the breadth of the Said Road, Shall be and is hereby left to the Discretion of the Said Commissioners of each respective Town as aforesaid.

And be it further Enacted by the Same Authority, That the Inhabitants of the Towns, Mannors and Precincts by and thro' which Lands any Comon Publick Roads or Highways, have or shall run or be hereafter ascertained or Laid out, are hereby Obligated to Clear and maintain the Same by Cutting or Stubing the Brush up, pulling up the Stones that can be carried off the breadth of a Rodd and the Limbs of Trees hanging over the said Roads to be Lopt and Carried off, and So often as the said Inhabitants or any of them shall be duely Warned by the Commissioners of the Highways for the time being in each respective Town, Mannor or Precinct thro' out the County aforesaid, shall respectively by themselves or their Servants after Seasonable notice given as aforesaid, appear at Such places and times as Shall from time to time be appointed, and then and there work in the Roads or Highways, not Exceeding Six days in the Year, under the penalty of three shillings for each Day every person shall neglect or refuse Such Service to be Levied by the Constable in each Town by Distress and Sale of the Offenders Goods and Chattles by Warrant from the Commissioners of the Highways or any two of them for the time being in each respective Town within the Said County returning the Overplus of Such sale if any, after the fine and Charge is paid.

AND be it also Enacted by the same Authority, That where any Highway from any Town or Plantation to any Meadow, Mills, Watering or Common Landing places Shall run thro' any particular Persons Grounds it shall and may be Lawful for any Such Person or Persons by the Approbation of the Commissioners of Such Town to place and hang good Swinging Gates on Such Highways and keep them in repair at their own propper Cost, provided no Roads Leading in or out of any Woods, Plains or Commons where the Cattle belonging to any Town or Village Usually pass to & from the Comons or Feeding Grounds be Clog'd or hindred by any Swinging Gates as aforesaid, but by the Consent of the Inhabitants of the said Town or Village, and the Several Gates already Standing & allowed may or Shall be appointed & Continued or altered as the Commissioners herein appointed Shall Judge most Convenient and the Same Highways shall be amended and maintained by the Inhabitants of every Town where Such ways may run.

AND be it further Enacted by the Authority aforesaid, That if the Commissioners of the Roads and Highways Shall think fit and have Occasion of any Team, Cart or Plow & a man to Manage the Same, the said Team Cart or Plow and a man to Manage the Same, Shall be Esteemed Equal to two Days work of a Single man and the Fine proportionable to be Double & every working man shall and is hereby Obligated, to bring Such Materials of Spades, Axes, Crows, pick Axes and other Utensils as Shall be directed by the Commissioners aforesaid.

AND be it Enacted by the Said Authority, That in Case any Person or Persons shall stake or shore open any Such Gate or Gates as aforesaid, or otherwise Ride over & thro' any Lands Meadow Grounds or Cornfields to the Damage of the Owner or Owners thereof, Shall for every Such Offence forfeit Six shillings to be Recovered and applyed by the Commissioners of each respective Town towards to repairing the Publick Highways or Roads, and pay all Damages with the Costs, the Owner of the Soil or Tennant Shall Suffer or Sustain thereby, as any of his Ma'tys Justices of the Peace of the Town or County wherein Such Offence Shall be Comitted shall determine whose Determination Shall be a final Judgement.

And be it further Enacted by the Authority aforesaid, That if any of the Commissioners appointed by this Act as aforesaid, shall neglect or refuse to put the Several Clauses Expressed in this Act in Execution as aforesaid or by Death or removal out

of the Town where he or they are appointed Commissioners, it Shall and may be Lawfull for the Justices of the Peace or any two of them in the said County wherein Such refusal neglect or removal Shall So happen as aforesaid, to appoint another Commissioner or Commissioners in the roome of those who shall refuse or neglect the Services as aforesaid, and Such Commissioner or Commissioners So appointed Shall have the Same powers and Authorities as those named and appointed by this Act.

AND be it also Enacted by the Same Authority, that the Commissioners of each respective Town, Mannor or Precinct for which they are appointed, Shall from time to time and at all times hereafter during the Continuance of this Act, enter in writing all the Highways or Roads by them laid out, altered or Stopt up, and Sign the Same by putting their Names thereto, and Cause the same to be Entered in the Town Book by the Clerk of each respective Town where Such ways and Roads belong, and all whatsoever the Said Commissioners Shall do according to the Powers given them in this Act being, So entered in the Town Book, Shall be deemed valid and good to all intents and purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed by Virtue of this Act, Shall have take and receive Three Shillings per Day as a Reward for their Care and pains in laying out and Regulating the Highways and Roads thro' out the said County during the particular Days they Are Actually Imploy'd in that Service, to be paid them out of each respective Town, where they are appointed Commissioners, out of the Town Stock or monys raised for Defraying the Towns Charge. This Act to Continue in force for two Years from the Publication hereof and no longer.

[CHAPTER 460.]

[Chapter 460, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 307.]

An Act to Oblige the Collectors and Treasurer of Richmond County Effectually to Collect and Pay the Annual Rate of the Said County.

[Passed, July 24, 1724.]

WHEREAS Several of the respective Collectors within the County of Richmond have often either neglected to Collect the

Annual Rate Laid and Assessed for the Publick necessary Contingent Charges of the said County, pursuant to an Act of the General Assembly, passed in the Second Year of her late Ma'tys Reign entituled an Act for the better Explaining and more Effectual puting in Execution, An Act of General Assembly made in the third Year of the late King William and Queen Mary entituled an Act for Defraying the publick and Necessary Charge thro' out this Province and for maintaining the Poor and preventing Vagabonds, or Retained Such County Rates or part thereof in their Own hands, whereby the goods Ends and purposes Intended in and by the said Act are in a great Measure Defeated to the great hurt and Damage of many of the good Inhabitants of the said County, because the only Releif provided in the said Act is for the Agrieved Person or Persons to prosecute the Offendor or Offendors, which being attended with a great Charge the aforesaid Practices have to much prevail'd in the said County.

For preventing of which for the future, Be it Enacted by his Excellency The Governour Council and General Assembly and it is hereby Enacted by the authority of the Same, that if any of the Collector or Collectors that already are or hereafter may be Chosen Collector or Collectors in the aforesaid County of Richmond, Shall neglect delay or refuse to pay unto the Treasurer of the Said County the several and Respective Sum or Sums of money which he or they are or Shall be required and Impowered to Collect within their respective Districts or Precincts for the Said County Rate, pursuant to Warrants w'ch from time to time shall be Issued by the Supervisors of the said County for that purpose by the Space of four Months after the Several Assessors Shall have Deliverèd the Respective Assessments unto the Said Collector or Collectors, That he the Said Collector or Collectors so neglecting Delaying or refusing to pay the Same to the Said County Treasurer within the time above mentioned, shall forfeit the Sum of Ten pounds Current money of this Colony for every Such Offence to be Recovered by the said County Treasurer in any of His Ma'tys Courts in this Colony, wherein no Essoin Protection or Wager of Law, or any more than one Imparliance Shall be allowed, One half of which Forfeitures Shall be for the Use and benefit of the said County and the other half to the Treasurer thereof, if he Sue for and Recover the Same.

And to the end the Rate for the said County may Effectually come in Annually. Be it further Enacted by the Authority aforesaid, That if the Treasurer of the said County for the time

being, shall at any time or times fail in prosecuting to Effect, any Such Collector or Collectors for their Offences as aforesaid by the Space of four Months after the time hereinbefore Limited, Such Treasurer shall forfeit the Sum of Ten pounds Current money of this Province for every Such Offence or neglect, to be Recovered by the Person or Persons who shall be Delayed Wronged or Injured by Such means, in any of His Ma'tys Courts within this Province wherein no Essoigne Protection Wager of Law, or any more than one Imparliance shall be allowed besides being Lyable to an Action of Trespass Grounded on the Case to every Such Person or Persons, as Shall be Delayed, wronged or Injured thereby one half of which Forfeiture to be for the Use and benefit of the said County, and the other half to the Person who Shall Sue for and Recover the Same.

Provided that this Act shall Extend to the County of Richmond onely, and that even in the Same County the beforementioned Act shall remain in full force and Virtue, Saving So much thereof as hereby is otherwise provided for, anything herein to the Contrary hereof in any wise notwithstanding.

[CHAPTER 461.]

[Chapter 461, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Frans Vanderberg, Harmanus Simonis, Johannes Glundorff; Peter Felinck, Francis Clerembault, Jean Claudi and Johan Phillip Leuningbecker.

[Passed, July 24, 1724.]

WHEREAS Frans Vanderberg, Harmanus Simonis, Johannes Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi and Johan Phillip Leuningbecker have by their humble Peticons to the General Assembly of the Colony of New York desired that they may Respectively be Naturalized and become His Majesties Leige Subjects within the Said Colony BE it Enacted by his Excellency the Governour Council and Assembly and it is hereby Enacted by the Authority of the Same, That the Said Frans Vanderberg, Harmanus Simonis, Johannus Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi & Johan Phillip Leuningbecker & each and every one of them, shalbe & hereby are Declared to be Naturalized to all Intents Constructions and

purposes whatsoever, and from hence forth & at all times hereafter, shall be Entitled to have & Enjoy all the Rights Libertys, Priviledges and advantages, which his Maties Natural borne Subjects in this Colony, have and Enjoy or of Right Ought to have and Enjoy, as fully to all Intents Constructions and purposes whatsoever, as if the Said Frans Vanderberg, Harmanus Simonis Johannes Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi and Johan Phillip Leuningbecker and each and every one of them Had been Borne within this His Maties Province of New York. Provided always and it is hereby Enacted, That the Said Frans Vanderberg Harmanus Simonis Johannes Glundorff, Peter Felinck, Francis Clerembault Jean Claudi and Johan Phillip Leuningbecker Shal respectively take the Oaths appointed by Law instead of the Oaths of Allegiance and Supremacy Subscribe the Test and make repeat and Swear to, and Subscribe the Abjuration Oath in any of His Ma'ties Courts within this Colony, which said Courts are hereby required upon application to them made to Administer the Same, and take Subscription and Cause the Name or Names of the Person or Persons So Swearing and Subscribing to be Entered upon Record in the Said Court for which each of the said Persons are hereby required to pay in Current money of New York, the Several Sums hereunder Mentioned. That is to Say, To the Speaker of the House of Representatives Ten Shillings, to the Judge of the Court Six Shillings, and to the Clerk three Shillings.

And be it further Enacted by the Authority aforesaid, That if all or any of the said Persons, having So Sworne and Subscribed as aforesaid, Shall and doe Demand a Certificate or Certificates of his being Entered upon Record in Manner aforesaid, the Said Courts are hereby Directed and required to grant the Same, under the Hand of the Judge and Seal of the Said Court or Courts in which they the Said Frans Vanderberg, Harmanus Simonis Johannes Glundorff, Peter Felinck Francis Clerembault, Jean Claudi and Johan Phillip Leuningbecker or any of them Shall so Swear and Subscribe as aforesaid Counter Sign'd by the Clerk of the Said Court or Courts for which Certificate the Person or Persons requiring the Same shall pay over and above the Sums before mentioned, Six Shillings, one half to the Judge of the Said Court or Courts, and the other half to the Clerk thereof, which Said Certificate or Certificates Shall

at all times be a Sufficient prooffe of the Person or Persons being Naturalized by this Act in as full and Effectual a Manner, as if the Record aforesaid was Actually produced by the Said Frans Vanderberg, Harmanus Simonis, Johannes Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi and Johan Phillip Leuningbecker or by any of them.

[CHAPTER 462.]

[Chapter 462, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 350. Expired July 24, 1734.]

An Act to Prohibit all Persons but
Susanna Parmyter widdow and her Assigns
to make Lamp black during the Space of Ten
Years. .

[Passed, July 24, 1724.]

WHEREAS Susanna Parmyter Widdow having by her Petition prayed an Act may pass, that no Person may be permitted to make Lampblack in this Colony for a certain Term, but the said Susanna Parmyter and her Assigns. BE it Enacted by the Governour Council and Assembly and by the Authority of the Same, That no Person or Persons whatsoever from and after the Publication of this Act, shall or may make Lampblack for Publick Sale, for and during the term of Ten Years from the Publication of this Act, but the Said Susanna Parmyter and her Assigns, and Such Person or Persons as shall make any Lampblack from and after the Publication of this Act and during its Continuance, whereby the true meaning thereof may be frustrated Shall forfeit the Sum of Fifty pounds Current money of New York unto Susanna Parmiter and her Assigns to be recovered in any Court of Record within this Colony by Action of Debt. PROVIDED always & it is hereby further Enacted that in Case the Said Susanna Parmyter & her Assigns do within the said term of Ten Years, Neglect Desist or Give over, for the Space of Six months or upwards, the making of the Said Manufacture of Lampblack, that then any other Person may make the Said Manufacture of Lampblack, without Incurring the penalty mentioned in this Act any thing to the Contrary hereof in any ways Notwithstanding.

THE SEVENTEENTH ASSEMBLY.

Fourteenth Session.

(Begun Sept. 2, 1725, 12 George I, William Burnet, Esq., Governor.)

[CHAPTER 463.]

[Chapter 463, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Continued by chapter 501.]

An Act appointing Comissioners to Let
to Farm the Excise of Strong Liquors in the
Cities & Countys in this Colony.

[Passed, November 10, 1725.]

WHEREAS by An Act of General Assembly of this Colony made in the Twelfth Year of her late Majestyes Reign Entituled An Act for Laying an Excise on all Strong Liquors retailed in this Colony It is amongst other things Enacted that there shall be given and granted unto her said Majesty her heirs and Successors from the first day of November in the Year of our Lord One Thousand Seven hundred and ffourteen unto the first day of November One Thousand Seven hundred and Thirty ffour, for the use in the said Act mentioned & Expressed an Excise upon all Strong Liquors retailed thro' out this Colony under the Quantity of ffive Gallons, (Beer and Syder only Excepted) to witt the Eighth Part of an Ounce of Sevil Pillar or mexico Plate for every Gallon so retailed and three Quarters of an Ounce of the said Plate for Every Barrill of Beer or Syder, to the End therefore that the said duty of Excise may be ordered Collected and managed to the best advantage for and towards the uses Expressed in the said Act

BE IT ENACTED by the Governour Council and General Assembly and by the Authority of the same that the Persons hereinafter named shall be and are hereby appointed Commissioners for two Years next Ensueing to Commence from the first day of November One Thousand Seven hundred and Twenty ffive and to End the first day of November One Thousand Seven and Twenty seven To Lett the said Excise to ffarm throughout the Citys and Countys of this Colony for which they shall be named that is to Say

For the City and County of New York John Cruger Esq'r & Coll Robert Lurting.

For the City & County of Albany Rutger Bleeker Esq'r

For the County of Suffolk Mr. Selah Strong

For Queens County Mr. Stephen Hicks

For Kings County Mr. Peter Leffers.

For the County of West Chester Mr. John Stevenson

For the County of Ulster Captain Wessell Tenbrook

For Dutchess County Mr. Henry Vandenberg

For Richmond County Mr. John Lecount

For the County of Orange Captain Cornelis Haring

AND BE IT further Enacted by the Authority AFORESAID that the said Commissioners for the Citys & Countys for which they are named are hereby Required and Impowered to Let to ffarm the aforesaid Excise in their Respective Citys and Countys to the Several Retailers of Strong Liquors Dwelling within the Same on the ffirst Tuesday in November next or at any time thereafter for the most Sum and Sums of money the said Commissioners can get for the greater Increase of the said Excise granted by the said Act Publick Notice shall be first given of the time and Place where such farming is appointed to be made by fixing advertisements thereof in the most Publick Places in every respective City County Town Mannor and Precinct Ten days before the time the same is to be farmed as aforesaid, And the said Commissioners are hereby required to take good and Sufficient Securities by Recognizances from all and every Person or Persons that shall farm the same as aforesaid Conditioned that they pay the same every half Year by Even and Equall Payments into the hands of the Respective Commissioners that shall Let the same who are hereby appointed to Receive the same and in Six months after the Excise shall be ffarmed to give the Treasurer of this Colony a true Account of the Sum and Sums it has been FARMED for according to the Intent of this Act.

BE IT FURTHER ENACTED by the same Authority that if any Person or Persons resideing within this Province shall Presume to Sell any strong Liquors by Retail to any Person or Persons whatsoever whether upon Land or Water without first agreeing for said Excise with the said Comissioner or Commissioners appointed by this Act in the Several Citys and Countys such Person & Persons so offending Contrary to this Present Act Shall forfeit all Such Strong Liquors as shall be found in Boats or other Vessel or in his her or their house Store house Cellar or in any other Place and three times the Value thereof and ffive Pounds Current money of this Province for Each offence to be

Recovered before any one of his Majestys Justices of the Peace where such Offender doth reside within this Province who is hereby Impowered to hear and Determine the same upon the Oath of one or more Credible Witness or Witnesses & give Judgment accordingly and if any such Offender or Offenders shall Deny Refuse Neglect or Delay to Pay and Satisfye the same Then it shall and may be Lawfull by virtue of a Warrant under the hand and Seal of any of the Justices for the said Cities And Counties who by Virtue of this Act are Required and Authorized to grant and Issue forth such Warrants to the next Constable to Levy the same by distress and Sale of such Person or Persons Goods & Chattells Returning the Overplus (if any be) to the owner or owners thereof the Sum assessed and Charges of distress and Sale being first deducted the one half to his Majesty his heirs and Successors to be paid to the Treasurer of this Colony for the time being for and to be imployed towards the Support of this Government and the other half to the Person that Will Sue for the same.

BE IT FURTHER ENACTED by the same Authority that if any Person or Persons within this Province that shall from and after the Publication of this Act sell any Strong Liquors to any Indian or Indians without being first duly Licensed and agreed with the Commissioner or Commissioners of the Excise and shall thereof be accused by the Information of any such Indian or Indians before any one of the Justices of the Peace in the Citys and Countys where the Person or Persons offending shall dwell or Reside shall be Lyable to pay the Penalty mentioned IN This Act if such Offender refuse to take his her or their Oaths that he she or they have not Sold any strong Liquors to such Indian or Indians Directly or Indirectly.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners are Respectively hereby required & Impowerd to Sue all and every such retailer and Retailers their Surety and Sureties that shall not duly Pay the Sum and Sums of money he she or they have agreed to pay for the Excise aforesaid at the time and times in their Severall Recognizances mentioned and Expressed before any three of his Majestys Justices of the Peace one whereof to be of the Quorum of the City and County where such retailer or retailers do reside who are hereby Required, Authorized and Impowered to make out Process against such retailer to hear and finally determine the Same and award Execution upon his her or their Recognizance

or Recognizances against the Goods and Chattels Lands and Tenements of the said Retailer and Retailers his her or their Surety or Suretys any Law usage or Custom to the Contrary hereof in any ways notwithstanding.

AND be it further Enacted by the authority aforesaid that the said Commissioners and Every of them, do Enter into Bond or Recognizance to his Majesty His Heirs or Successors on or before the third Tuesday in every month of December during the Said two Years WITH Sufficient Suretys to be approved of by any two of his Majestys Justices of the Peace in any of the Respective Cīty & Countys within this Colony where the said Commissioners do Inhabit and for which they are appointed Commissioners in the Sums hereaftermentioned that is to Say

For the City & County of New-York the Sum of Twelve hundred pounds

For the City & County of Albany the Sum of Three hundred pounds.

For the County of Ulster the Sum of Sixty Pounds

For Dutchess County the Sum of Twenty Pounds

For Orange County the Sum of Twenty Pounds

For West Chester County the Sum of Sixty Pounds

For the County of Richmond the Sum of Sixty Pounds.

For Kings County the Sum of One hundred & fifty Pounds

For Queens County the Sum of One hundred & ffifty Pounds

And for the County of Suffolk One hundred & ffifty Pounds with Condition that they Pay every half year by even and Equal Payments into the hands of the Treasurer of this Colony for the time being who is hereby appointed to Receive the Same all which Sum & Sums of money as they shall have respectively Received for the Excise aforesaid within fforty days after the Respective days & Times at which it is hereby Enacted to pay the same, together with an Exact Account of what is not by them received and for which they have Put the Recognizances in Suit if any there be which when recovered they are forthwith to pay UNTO The said Treasurer in manner aforesaid

AND BE it further Enacted by the authority aforesaid that the said Commissioners and every of them shall and may for their Trouble and Service in Letting the said Excise and Collecting and Receiveing the moneys arising thereby retain in their hands respectively Ten Pounds for every hundred Pounds they shall receive & Pay in manner as aforesaid and after that rate for a greater or Lesser Sum and where there are more than one

Commissioner for the same Place the said Reward is to be Equally Divided amongst them.

AND be it further Enacted by the authority aforesaid that if any of the Respective Commissioners appointed by this Act shall deny, die, or Refuse to Serve then it shall and may be Lawfull for the Mayor and Aldermen within the Cities & Counties of New York and Albany and the Justices of the Peace in the Severall Counties within this Colony or the Major Part of them under their hands and Seals to appoint other Commissioners in their Stead and the Commissioners so appointed shall have the same Power and Authority as the Commissioners hereinbefore appointed untill the Governour Council and Assembly shall either Confirm them or appoint others.

AND be it further Enacted by the authority aforesaid that if any of the Commissioners appointed by This Act shall Retail Liquors or keep Publick houses they shall first agree with the Justices of the Peace of that County where they reside or with the Major Part of them and if any such Commissioner do Presume to Retail without such agreement they shall be Lyable to the same Pains and Penalties as others that retail without agreeing with the Commissioners appointed by this Act any thing Contained therein to the Contrary notwithstanding.

[CHAPTER 464.]

[Chapter 464, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 396. Expired July 1, 1727. Continued by chapter 470.]

An Act for Continuing Bills of Credit Struck and Issued in the Year one thousand Seven hundred and twenty, to the Value of Five Thousand Ounces of plate, to be Current until the first day of July, which will be in the Year one thousand Seven hundred and twenty Seven.

[Passed, November 10. 1725.]

WHEREAS by an Act of Generall Assembly of this Province made in the Seventh Year of his present Majesty's Reign, entituled, An Act for a Supply to be Granted to his Majesty, for Supporting his Government in the Province of New York, during the time therein mentioned, and for Repealing one Act of the Generall Assembly of this Province, entituled, an Act for a Supply to be Granted to his Majesty for Supporting his Govern-

ment in the Province of New York, from the first Day of July, which Shall be in the Year of Our Lord, one thousand Seven hundred and twenty, untill the first Day of July, one thousand Seven hundred and twenty one, It was among other things Enacted, that Bills of Credit to the Value of five Thousand Ounces of Plate Should be struck and Issued upon the Fonds therein mentioned, and that the Same Should be Sunk and distroyed on the first day of July, which Shall be in the Year One Thousand Seven hundred and Twenty Six.

Be it Enacted by the Governour Council and Generall Assembly, and it is hereby Enacted by the Authority of the Same, That the said Bills of Credit, to the Value of Five thousand ounces of plate by the Said Act appointed to be Sunk and distroyed, on the Said first day of July, in the Year one Thousand Seven hundred and twenty Six, Shall be and are hereby Continued to remain Current, untill the first Day of July, one Thousand Seven hundred and twenty Seven. Any thing in the Said Act to the Contrary hereof in any wise notwithstanding.

[CHAPTER 465.]

[Chapter 465, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapters 392, 425 and 449. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act to Revive and Continue the Severall Acts Therein mentioned, Relating to the prohibiting of Selling Indian Goods to the French and for promoting the Trade with the remote Nations of Indians during the time therein Mentioned. And for the recovery of Such Penalties as are Directed by the said Acts.

[Passed, November 10, 1725.]

WHEREAS one Act of the Generall Assembly of this Colony Entituled an Act for the Encouragement of the Indian Trade and rendring it more beneficial for the Inhabitants of this Province and for prohibiting the Selling of Indian Goods to the French pass'd in the Seventh Year of his Majestys Reign, and one other Act passd in the Eighth year of his Majestys Reign Entituled An Act for the further and more Effectuall prohibiting of the Selling Indian Goods to the French, were by an other Act pass'd in the Tenth Year of his Majestys Reign Entituled An Act for Continuing the Acts made for Prohibiting the Selling of Indian Goods to

the French with some alterations Continued to be of Force from the Publication of the last mentioned Act, untill the first Day of November in this present Year, one thousand seven hundred and twenty five, as in and by the same Act, relation being thereunto had may more fully and at large appear. Be it Enacted by his Excellency the Governour the Council and the Generall Assembly of this Colony, And it is hereby Enacted by the Authority of the Same that all and every the three before mentioned Acts and every Clause Article and thing therein Contained is and Shall be in full force and Virtue from and after the SAID first Day of November in this present Year one thousand seven hundred and twenty five, untill the End of the next Sessions of the Generall Assembly of this Colony, in as full ample and Effectuall a manner as if all and every the aforesaid three Acts were particularly and at large incerted in the body of this Act.

AND Whereas Severall Persons for the Lucre of gain have been tempted to Trade with the Subjects of the French King, and to sell Indian Goods unto them, Contrary to the true Intent and meaning of the afore mentioned Acts, and have kept themselves out of the reach of Justice In Expectation that upon the Expiration of the Same Acts, their Clandestine Trade might pasover with impunity whilst others who, (perhaps) were Culpable in a less degree, have actually paid or secured to be paid the penalty Imposed by the said Acts. And it having been, and still is, the real Intent and meaning of the Legeslature, that the Penaltys directed in and by the same Acts, Should be paid by, and recovered from all and every Person or Persons that hath or should Incur the same, without any manner of favour Affection or Distinction whatsoever. Be it therefore Enacted by the Authority aforesaid, that all and every Person who hath already Bartered or sold any of the Indian Goods enumerated in the before mentioned Acts with, or to the Subjects of the French King or to any other Person or Persons for or on the behalf of Such Subjects Contrary to the meaning & directions of the Acts aforesaid (not having Actually paid or secured to be paid, the said Penaltys or since they have paid the same) Shall Still be Subject and liable to pay the penalty of one hundred pound Current money of this Colony mentioned in the Second of the above mentioned Acts. And that those who have hindred Indians from coming to Trade at Albany contrary to the Intent and Directions of the last mentioned Act, Shall still be subject and liable to pay the Penalty of the fifty pounds therein men-

tioned, unless paid before which Severall fines and Penaltys shall be recovered and Applied by the methods and in the manner as in and by the said Acts Respectively is particularly and at large directed.

AND to avoid disputes. Be it declared and Enacted by the Authority aforesaid, that the fines and Penaltys above mentioned or either of them are to be Computed from and after the time they or either of them have been last paid by any offender or Offenders, or from the last time any Person or Persons took the oath prescribed in the Second of the aforesaid Acts, and not at any time before Such payment Or Such swearing.

AND for as much as it would be a great agrevation in case any Persons Should hereafter presume to Contravene the Intent and directions of the aforesaid Acts; Be it Enacted by the same authority that all and every Person or Persons that Shall from and after the Publication of this Act, and during the Continuance thereof, sell any of the Indian Goods meant or mentioned in the said Acts to ye Subjects of the French King or to any body for or on the behalf of Such Subjects, Contrary to the true Intent and meaning of the same Acts, he She or they, so Offending therein Shall forfeit and pay, over & above the aforesaid Sum of one hundred pounds, a farther sum of two hundred pounds Current money of this Colony to be recovered and applied AS in and by the aforesaid Acts is directed.

AND altho it is the true intent and meaning, that all the aforesaid fines and penaltys Shall be recovered from all Offenders without favour or distinction whatever. Be it further declared and Enacted by the same Authority that the Executrix of Goosen VanSchaick Shall be Exempted therefrom, pursuant to An Act of the Generall Assembly pass'd this Sessions, Entituled an Act for the discharging a Certain Recognizance entred into by Goosen Van Schaick late of the City of Albany Merchant Deceased.

[CHAPTER 466.]

[Chapter 466, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for the discharging a Certain
Recognizance Entred into by Goosen Van
Schaick late of the City of Albany Merchant
Deceased.

[Passed, November 10, 1725.]

WHEREAS in and by An Act of the General Assembly of this Province made in the Eighth year of his Majestys Reign Entituled

An Act for the further and more Effectuall Prohibiting of the Selling Indian goods to the ffrench it is amongst other things Enacted that it shall and may be Lawfull for the Mayor or any Alderman of the City of Albany, or any of the Justices of the Peace of the said County or the Commanding Officer of the Garrisons at Albany, Schenectady or Fort Hunter or the Commanding Officer of any of the Guards or persons Employed to discover and Prevent the Trade with the French or the High Sherriff of the City & County of Albany or any of the Commissioners of the Indian affairs to administer An Oath to any Person suspected to have Traded or Traffiqued with any Subject of the French King or with any other Person for them Contrary to the meaning and Intent of the beforementioned Act (being An Act Entituled An Act for the Encouragement of the Indian trade and rendering it more beneficial to the Inhabitants of this Province and for prohibiting the Selling Indian goods to the ffrench) or that has been privy, aiding, or Assisting, to the Carrying on or managery of Such Trade or Traffique and every Such person shall take the ffollowing Oath Vizt. I DO Solemnly Swear, by the great Creator of heaven and Earth that I have not at any time after the Sixteenth day of August IN the Year One Thousand Seven hundred and Twenty two to my knowledge directly or Indirectly Sold or deliverèd to any Subject of the ffrench Kings or to any other person or persons for or on the behalf or for the use of any Subject of the ffrench Kings any of the goods, Wares & merchandizes mentioned in one Act of the General Assembly of this Province Entituled AN ACT for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian goods to the ffrench or any of the goods known by the name of Indian goods nor have I knowingly directly or indirectly treated traded or bargained with any Subject of the ffrench Kings or with any other person or persons for or on the behalf of any Subject of the ffrench Kings for any of the goods in the said Act mentioned or that I knew was meant or Intended to be prohibited by it nor have I directly or Indirectly to my knowledge Employed or directed any other Person to Trade or Traffique for me with any Subject of the ffrench Kings or with any other Person for any such Subject for any goods in the said Act mentioned nor has any Person by my direction Consent or Procurement Sold or delivered for me any of the said Goods to any such Subject or to any person for them nor do I directly or Indirectly know that any

Person or persons not already discovered has Traded with any Subject of the French Kings or with any Person or Persons for them Contrary to the beforementioned Act, And I have not knowingly Transported Carryed or delivered or have been aiding and assisting in the Transporting Carrying or delivering any of the goods in the said Act mentioned contrary to the meaning and Intent of the said Act, nor do I know that any other Person (not already discovered) hath Transported Carryed or delivered or that hath been aiding and ASSISTING in the Transporting Carrying or delivering any of the said goods contrary to the directions meaning and Intent of the said Act, So help me God.

AND WHEREAS by the first abovementioned Act made in the said Eighth year of his Majestys Reign, It is further Enacted that any Person to whom the said Oath shall be Tendred by any of the Persons beforementioned and shall refuse to Purge himself by taking the same every such Person so refusing shall Ipso facto be adjudged Convict of having Traded with the Subjects of the French King contrary to the meaning and Intent of the beforementioned Act and shall be Subjected to the Penalty and forfeiture of One hundred Pounds Currant money of this Colony and shall immediately by Warrant under the hand and Seal of the Person tendring the said Oath be Committed to the Common Goal of the County there to remain untill he or she shall Pay the said Sum of One hundred pounds to be applyed towards the building or Repairing such of the fortifications of this Colony as the Governour or Commander in Chief of this Colony for the time being shall think fitt.

AND WHEREAS Goosen VanSchaick late of the City of Albany merchant Sometime in the Year of our Lord One Thousand Seven hundred and Twenty three was Summoned to appear before the Commissioners of the Indian Affairs at Albany and upon his appearance had the aforesaid Oath tendred unto him BY the said Commissioners which he refused to take altho' he alledged he had not Traded with any of the Subjects of the French King for or with any goods in the said Act mentioned and thereupon withdrew from the said City of Albany and came to the City of New york and there did on the Eighth day of August in the Tenth year of his Majestys Reign appear before John Cruger Esq'r one of his Majestys Justices of the Peace for the City & County of New york, and then and there Entred into the following Recognizance BE it Remembered that on the Eighth day of August in the Tenth Year of our Sovereign Lord George

by the grace of God King of Great Britain France and Ireland Defender of the Faith &c appeared before me John Cruger Esq'r one of his Majestys Justices of the Peace for the City & County of New York Goosen VanSchaick of the City of Albany merchant who acknowledged himself Indebted to our Sovereign Lord the King his heirs and Successors in the Sum of Two hundred pounds Currant money of the Colony of New York to be Levyed on his Goods and Chattells Lands & Tenements for the use of our said Lord the King his heirs & Successors if default shall be made in the Condition following

THE CONDITION of this Recognizance is Such that if the above bounden Goosen VanSchaick his heirs Executors or Administrators shall well and truly pay or Cause to be paid UNTO Abraham De Peyster Jun'r Esq'r. Treasurer of the Colony of Newyork or unto the Treasurer for the time being the Sum of One hundred pounds Currant money aforesaid on or before the Eighth day of August which shall be in the Year of our Lord One Thousand Seven hundred Twenty ffour for the use of our Soveraign Lord the King his heirs and Successors to be applied towards the building or Repairing Such of the Fortifications of the said Colony as the Governour or Commander in Chief for the time being shall think fitt then this Recognizance to be void and of none Effect Else to be in full fforce and Virtue. John Cruger.

AND WHEREAS the said Goosen VanSchaick is Some time Since deceased (the said Recognizance at the time of his death and at this Present day being unpaid) leaving Cathrin his widow and nine Small Children but in very indifferent Circumstances, and which said Cathrin by her Petition to his Excellency the Governour has most humbly prayed his Excellency to Commiserate her Condition the number of her Children and the meanness of her Circumstances and that in Tender Consideration thereof he would be favourably Pleased to discharge the said Recognizance and all Proceedings had thereupon (if any be) which said Humble Request his Excellency being inclineable to grant Be it therefore Enacted and it is hereby Enacted by his Excellency the Governour and Councill and General Assembly and by the AUTHORITY of the Same that the beforerecited Recognizance so Entred into by the said Goosen VanSchaick deceased in his Life time and all Proceedings had thereupon be and hereby are for ever discharg'd in as full and Ample manner and to all Intents and Purposes whatsoever as if the said Recognizance had

never been Entred into by the said Goosen VanSchaick in his Life time any Law usage or Custom to the Contrary hereof in any wise notwithstanding

THE SEVENTEENTH ASSEMBLY.

Fifteenth Session

(Begun April 6, 1726, 12 George I, William Burnet, Esq., Governor.)

[CHAPTER 467.]

[Chapter 467, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. In part repealed, in part continued, by chapter 516.]

An Act Granting to his Majesty the Dutys and Taxes therein mentioned for Supporting his Government in the Colony of New York from the first Day of July, One thousand Seven hundred & Twenty Six To the first of July, One thousand Seven hundred and Twenty nine.

[Passed, June 17, 1726.]

WHEREAS an Act of the Generall Assembly of this Colony past in the Seventh Year of his Majestys Reign, Entituled an Act for a Supply to be granted to his Majesty for Supporting his Government In the Province of New York, during the time therein mentioned, and for Repealing one Act of the Generall Assembly of this Province Entituled an Act for a Supply to be granted to his Majesty for Supporting his Government, in the Province of New York, from the first Day of July which will be in the Year of our Lord one thousand Seven hundred and Twenty, untill the first Day of July one thousand SEVEN hundred and Twenty one will Expire by its own limitation the first Day of July which will be in this present Year One Thousand Seven hundred and Twenty Six whereby the Government would after that time be destitute of a Support if not otherwise provided for.

AND where the Generall Assembly having equally at Heart the makeing a Suitable Provision for suporting his Majestys Said Government in and over this Colony in an Honorable and ample manner and the welfare of the Inhabitants thereof; do conceive that renewing Some of the dutys which were granted by the above mentioned Act and the granting Taxes in lieu of Such Dutys as

will terminate with the Expiration of the Same Act will of the one hand be Sufficient for Supporting the Said Government in manner aforesaid, and of the other hand very much conduce to Encourage and Encrease the Trade and Navigation of this his Majestys Said Colony of New York.

BE it therefore Enacted by his Excellency the Governor the Councill and the Generall Assembly of the Said Colony and it is hereby Enacted by the Authority of the Same, that there is and Shall be granted unto his Majesty, his Heires and Successors from the first day of July, in this present Year One thousand Seven hundred and twenty Six untill the first day of July which will be in the Year of our Lord Christ one thousand Seven hundred and twenty nine to and for the Support of his Government in this Colony and to and for no other use or purpose whatever the Severall and respective dutys & Impositions herein after mentioned, upon the severall Goods, Wares and Comodities, hereafter Specified and Expres'd which Shall be Imported into or manufactured within this Colony during the time aforesaid, That is to Say

FOR every Negro Slave (Male or Female) of four Years & upwards Imported directly from Africa, the quantity of five ounces of Silver Pillar or mexico Plate, or forty Shillings in Bills of CREDIT made Current in this Colony.

For every Negro, Mullato or Indian Slave (Male or Female) of four Years Of Age and upwards, Imported from all other places by Land or Watter the Sum of four pounds in like money.

FOR every Pipe of Wine without distinction or Exception or any other allowance then what is hereinafter Explained, Imported from all Places whence it may legally be Imported the Sum of two pounds ten Shillings in like money and after that rate for a greater or lessor Quantity.

FOR every Gal of Rum Brandy or other distilled liquors Imported from all Places, from whence the Same may be legally Imported the Sum of three pence in like money.

FOR every Gallon of rum or other Sperits distilled wholly or in part from Molasses within this Colony the Sum of three pence in like money.

FOR all European or East Indian goods Imported WITH proper Certificates from the British Islands in the West Indies the Sum of five pounds in like money, for every hundred pounds Vallue Prime Costs, and after that rate for a greater or lesser Quantity.

FOR every hundred Weight of Cocoa Imported (accounting one

hundred and twelve pounds to the hundred) the Sum of four Shillings in like money, and after that rate for a greater or lesser quantity.

AND for avoiding and Clearing up disputes and Controversys touching the Duty on Slaves, Be it provided and Enacted by the Authority aforesaid, that all Such Negro or other Slaves as belong to the Navigation of any Ship Sloop or other Vessell and Slaves belonging to the Neighbouring Colonys, and going from one Colony to another, on the Service of their Owners Masters or Mistresses and Such as are under the Age of four Years, Shall be Exempted from the Duty hereby Imposed on Negroes and other Slaves, any thing herein to the Contrary thereof notwithstanding.

AND be it further provided and Enacted by the Authority aforesaid That any Gentleman or Gentlewoman coming into this Colony. may Import one Slave to attend on their Persons without paying any Duty for the Same. But if Such Gentleman or Gentlewoman Shall at any time thereafter Sell or dispose of Such Slave, He or She Shall pay the full Duty for the Same as by this Act is directed. And upon failure thereof within two days after Such Sale the said Owner or Owners Shall not only be Subject and lyable to pay the Said Duty, but also forfeit the Sum of Ten pounds to be recovered and applyed in the Same manner as other forfeitures are hereafter directed to be recovered and applyed.

AND whereas doubts and debates may arise concerning the age of Negroes or other Slaves hereafter to be Imported, Be it Enacted by the Authority aforesaid that the Negroes or other Slaves about whom Such Doubts or Debates Shall happen to arise Shall be brought before any two of the Aldermen of the City of New York for their Inspection AND that the Opinion or Judgment of Such Aldermen thereupon Shall finally Determine whether the Age of Such Slave or Slaves be under the Age of four Years or not.

AND Whereas it may happen that of the Negroes or Other Slaves which Shall be Imported into this Colony some are so Sick that they are more likely to dye then to live. Be it Enacted that all Such Slave or Slaves as Shall Depart this life within thirty days after Importation or Landing Shall be Exempted from the Duty aforesaid, Provided proof be made upon oath before the Treasurer of this Colony That Such Slave or Slaves dyed within the time above limited after the landing or Importation thereof, And that they were Sick at the time when they were so landed.

BE it also Enacted by the Authority aforesaid that if the Owners or Importers of Negroes or other Slaves upon their paying

the Duty thereof, Shall desire to have a receipt for the Same, the Treasurer of this Colony Shall accordingly give Such receipt gratis WHICH receipt or receipts, Shall always be allowed good Proof that the Dutys are paid, for the Slave or Slaves therein mentioned & Expressed

AND be it farther Enacted by the Authority aforesaid that all Wines Imported into this Colony from the Commencement of this Act & during the Continuance thereof Shall be Subject and lyable to pay the Dutys here in before mentioned without any manner of distinction whether the Same be sound or prick'd; and that no Person or Persons whatever under any Colour or pretence whatsoever, Shall be Excused or Exempted from paying the Said Duty, Saving only his Excellency or the Governour for the time being of Wines for his or their own use. And for avoiding other disputes about Wines, Be it declared and Enacted by the Authority aforesaid, That in Case Wines are filled up either aboard or a Shore the full Dutys Shall be paid for the Same But if unfilled there Shall be an allowance or Deduction made of Ten P' Ct on the wholl Parcell which each Merchant or other Person Shall Import from time to time during the Continuance of this Act. But if of Such Persons AS have only one or two pipes or other Cask on board of any particular Vessells, the Same Should happen to be leaked out one half part or more, Duty Shall be paid for so much only as Shall remain therein. Provided the Sworn Gauger doe first Certify under his hand to the Treasurer, the real and neat Contents thereof, For which Certificate the Said Gauger is to Demand or receive from the Importer the Sum of twelve pence and nomore.

AND be it further Enacted by the Authority aforesaid that the Duty hereby layed and Imposed upon rum Brandy or other distilled liquors to be Imported into this Colony within the time by this Act Limited, Shall be regulated and calculated from, the Accounts which the Said Sworn Gauger Shall render thereof to the Treasurer, and the Said Gauger is hereby Oblidged and directed to deliver Such accounts to gether with the names of Vessells the Master and the Person entring Such rum and Spirits to the Said Treasurer within four Days after he Shall have gauged each and every parcell of Such Liquors as afores'd And in Such gauging he is to doe Justice betwixt the King and the IMPORTERS according to the best of his Skill and understanding.

AND be it farther Enacted by the Authority aforesaid that the Dutys of rum or other Spirits to be distilled wholely or in part

from molasses within this Colony, dureing the Continuance of this Act, Shall be paid and Secured in the manner hereinafter directed.

AND be it farther Enacted by the Same Authority, that of all European or East India goods to be Imported into this Colony dureing the Continuance of this Act from the British Islands in the West Indies the Importer or Importers thereof, or the Person or persons entring the Same Shall in Such Entry, set down and mention the real prime Cost of Such goods, and make Oath that Such Value is according to the Invoyce or Invoyses Sent to him, her, or them, or brought by him her or them, from the said Island or Islands from whence Such goods did come and that they believe Such Invoyce or Invoyses are real and true, And if any difference Should arise touching and concerning the Value of Such goods, the Treasurer and Searcher of the Colony Dutys are TO Nominate and appoint two Credible Merchants to appraise the Same to the best of their Judgment, and according to Such appraisement the Duty hereby Imposed is to be Calculated. And Such appraisement is to be made at the Charge of the Person who Shall enter Such goods.

AND be it further Enacted by the Authority aforesaid, that all Cocoa which Shall be Imported within this Colony during the Continuance of this Act Shall upon the Landing thereof be brought directly to the Weigh House in the City of New York and that the Duty Imposed thereon by this Act Shall be regulated by Such Weight the Tare of the Cask, Sharoons or baggs wherein the Same is Contained, being first deducted For weighing of which the Importers or Persons entring the Same respectively are to pay after the rate of one penny for every hundred pounds weight reckoning one hundred and twelve pound to the hundred as aforesaid: and if any Cocoa Should be Housed or Stored by the owner or Importer thereof before it is carried to the Said Weigh House as aforesaid, (unless by leave of the Searcher or tide Waiter In Rainy weather or for want of CARTS) the Same Shall If Entered with the Treasurer be Secured by the Said Officers and Sent to the said Weigh House, att the Cost and Charges of the Owner or Importer; And if not Entered with the Said Treasurer, then the Same Shall be Deemed and Esteemed as Goods and Comoditys landed without or before report is made and Subject to the Same Seizure and Forfeiture, and to be recovered and apply'd as aforesaid.

AND for the due orderly and Effectuall Securing and Collecting the Rates and Dutys by this Act Imposed on Slaves, Wine

Rum and other Distilled Liquors dry goods from the Said Islands and Cocoa, And for preventing Frauds and Embezlements therein. BE it Enacted by the Authority aforesaid that the Master Mate or Purser of every Ship or other Vessell which Shall come into any Port Harbour or Creek, within this Colony to Trade or Traffick Shall repair to the Collector or Deputy Collector of his Majestys Customes in this Colony and make report of all and every Such Parcell or Parcells of GOODS Wares and Merchandizes Laden and being on board Such Ship or Vessell whereof he is Master, Mate or Purser, and declare upon Oath that he hath not broke Bulk since his Arrival within this Colony and before he make Such report as aforesaid. And every Merchant Factor or Freighter, having any Goods Wares or Merchandizes on board Such Ship or other Vessell as aforesaid Shall make true and Distinct Entrys thereof to the said Collector or Deputy Collectors according to Law.

Be it farther Enacted by the Same Authority, that the Master Mate or Purser of every Ship or other Vessell which Shall dureing the Continuance of this Act, come into any Harbour Port or Creek within this Colony, to Trade or Traffick and having on board all or any of the Comoditys hereby made Dutyable that is to Say Slaves, Wine, Rum, or other distilled liquors dry goods from the aforesaid Islands or Cocoa, Shall likewise repair and Come to the Treasurer of this Colony within forty Eight hours after his arrival AND make to him a full and true report of all and every parcell & parcells of the Said Dutyable Comoditys, Laden and being on board Such Ship or other Vessell whereof he is Master, Mate, or Purser, delivering at the Same time unto the Said Treasurer, an Exact Manifest thereof, under his hand, mentioning therein the quantity, the Name or Names of the Person or Persons to whom Such Dutyable Comoditys belong or are Consigned; And to declare upon Oath that Such Manifest is true and does contain all the Dutyable Comoditys then abroad, and that he hath not by any manner of means whatsoever, by himself or by any other Person or Persons, or with his privity, Consent or knowledge directly or indirectly landed or put ashore, or permitted or conived at the putting out of Such Ship or other Vessell, any Slaves, Wine, Rum or other Distilled Liquors, dry goods from the British Islands in the West Indies or any Cocoa with Intent design or Expectation to land the Same Since his arrival within the limits of this Colony.

AND be it further Enacted by the Authority aforesaid that if the Master Mate or Purser of any Ship or other Vessell whatso-

ever coming into this Colony to Trade or Traffick during the time in this Act Limited, or any Merchant Factor or others shall break Bulk or Land any of the aforesaid Dutyable Commodities, before he or They make report and Entry thereof as aforesaid, and pay or Secure to be paid to the Said Treasurer, the Dutys by this Act, Imposed, all the said goods and Commodities so landed or taken from on board without or before Report and Entry is made in manner aforesaid (Except Slaves attending on their Masters or Mistresses as is herein before Excepted) shall be forfeited one third whereof to his Majesty his Heires and Successors to be Employed for the Support of his Government in this Colony one other third part to the Governour for the time being and the other third part to the Person who Shall Sue for and prosecute the Same to Effect, by Bill plaint or Information in any Court within this Colony.

AND be it further Enacted by the Authority aforesaid that every Master or Commander of any Ship or other Vessel coming to Trade or Traffick in this Colony who Shall Land or put a Shore in any manner whatsoever within the limits or Jurisdiction of the Said Colony, any Slaves (except as before Excepted) wine rum or other distilled liquors dry goods as aforesaid, or Cocoa before Such report is made and Such oath is taken before the Treasurer as herein is directed every Such master so offending shall forfeit the Sum of one hundred pounds Current money of this Colony, to be applyed divided and recovered as in the beforegoing Clause of this Act is directed provided Such Suite be brought or Commenced within Six Months after such fact is Comitted and not at any time thereafter.

BE it also Enacted by the Same Authority, That after Such Report and Entry is made by the Master Mate or Purser of any Ship or other Vessel coming to Trade in this Colony as aforesaid, every Merchant Factor or other Persons having any or all the before MENTIONED Dutyable Goods or Commodities, on board Such Ship or Vessel, or Some other Person in their behalf Shall make particular Entry of Such goods and Commodities to the Treasurer for the time being and at the Same time pay the Dutys thereof as by this Act is Imposed, unto the Said Treasurer for the use of his Majesty to and for the Support of his Government in this Colony or if Such Duty Shall amount to the Sum of Ten pounds or upwards, He, she, or They so entring as aforesaid Shall well and Sufficiently Secure the Same to be paid within the Space of Six Weeks, from the Day of the Entry thereof. And there-

upon the Said Treasurer Shall give unto the Persons so paying or Securing the Said Duty a Certificate gratis directed to the Searcher of the Colony Dutys that the Said Dutys are paid or Secured to be paid according to this Act. Whereupon all Such of the aforesaid Dutyable Goods and Comoditys whereof the Dutys are so as aforesaid paid or Secured to be paid, Shall be permitted to be landed and Housed without any manner of hindrance or Obstruction; But if any Person or Persons Shall refuse omit or delay to pay or secure to be paid the said Dutys in manner aforesaid It Shall then be lawfull for the said Searcher, to take and detain Such of the aforesaid Goods or Commoditys of which the Duty is not paid or Secured to be paid in the manner before mentioned, or Such part thereof as he Shall Judge Sufficient to answer the Dutys thereof, for the Space of Six Weeks or untill the Said Dutys Shall be paid and Satisfied. And if the Said Dutys are not paid within the Said Six Weeks, the Said Searcher Shall and may at the Expiration thereof, by Publick Sale Dispose of the Goods and Comoditys so detained as aforesaid, Deducting out of the produce thereof, the Said Dutys Charges of Sale and all other petty Charges, returning the overplus (if any be) to the Owner. Which Dutys being so stopt and deducted as aforesaid Shall forthwith be paid to the Treasurer by the Said Searcher, upon his making Such Sale as aforesaid.

AND to the End due Inspection may be had in the CITY of New York of all the Goods to be Imported therein which the aforesaid Dutys are Imposed by this Act. Be it Enacted by the Same Authority that during the continuance of the Said Act all Masters of Vessells having Such Dutyable Goods aboard Shall after report made to the Treasurer as aforesaid, or before they land Such goods, acquaint the Searcher or Land and tide Waiter of the Colony Duty at which of the Free Keys, Wharffs or Landing Places in the Said City they Intend to put ashore Such Dutyable goods or Comoditys and if Such Master Shall afterwards presume to land the Same or any of them at any other Place (unless by permission or leave from the said Officers) He or they so Offending Shall forfeit, (tho' the goods were duly entered) the Sum of five pounds to be recovered before any two or more Aldermen of the Said City who are hereby Impowered & required to hear and determine the Same, one half of which forfeiture to be paid to the Treasurer for the Support of this Government and the other half to the Officer or other person that Shall Sue for and recover the Same. PROVIDED however that Slaves

may be Landed at any other Place, if Duty be paid or Secured to be paid for the Same in the manner herein before directed.

AND whereas Severall Persons have Often contrived to have Bills of Loading filled up abroad for some or all the Sorts of goods and Comoditys hereby made Dutyable, and Imported them into this Colony, as if the Same did belong or were Consigned to Some Persons in the Neighbouring Colonys. And Some times have had Such Bills of Loading so filled up and Signed even after the Vessell or Vessells Importing the Same, have been actually arrived in some Port, Harbour or Creek within this Colony, thereby to Elude payment of the aforesaid Dutys to the manifest prejudice of the Revenue hereby granted to his Majesty for Supporting his Government in this Colony and to the great discouragement of the fair Traders. For prevention whereof. Be it Enacted by the Authority aforesaid that during the Continuance of this Act all and every the Comoditys thereby made Dutyable which Shall BE on board any Ship, or Ships, Vessell or Vessells, coming to Trade or Traffick in this Colony, Shall be Subject and lyable to pay the Severall and Respective Dutys Imposed by this Act without any manner of favour or Distinction whatever excepting only Such Wines for the Governor & Such Negroes as are hereinbefore Excepted.

AND for Securing the Duty hereby Imposed on rum or other Spirits distilled wholely or in part from Molasses within this Colony; Be it Enacted by the Authority aforesaid, That all and every Distiller now Inhabiting within this Colony Shall on or before the first Day of July in this present Year one thousand Seven hundred and Twenty Six, repair to the Treasurer of this Colony and then & there enter into Recognizance to our Sovereign Lord the King his Heires and Successors with a Sufficient Surety in the Sum of Fifty pounds Current money of this Colony Conditioned that he Shall well and truly pay or cause to be Paid unto him or to the TREASURER for the time being the Sum of three pence in money aforesaid, for every gallon of Rum or other Spirits which he Shall distill or Cause to be distilled wholly or In part from Molasses, from and after the Said first Day of July and dureing the Continuance of this Act & that he Shall and will duely pay the Same at the End of every three Months thereafter. And upon His or their entring into Such Recognizance the Said Treasurer is to give a Certificate thereof to the Person or Persons who Shall enter into Such Recognizance which Certificate Shall be unto him her or Them a Sufficient Lycence to Continue the Act or Occupation of Distilling.

AND be it further Enacted by the Same Authority that all Persons whatsoever who after the Commencement of this Act and dureing the Continuance thereof Shall Erect a Still House or Practice the Art or occupation of a Distiller Shall first repair unto the Said Treasurer and then and there enter into the like Recognizance as aforesaid, Whereupon the Said Treasurer is to GIVE him a Certificate thereof, which Shall be unto him a Sufficient Lycence to Set up and practice the Said Art or Occupation of a Distiller.

AND be it further Enacted by the Authority aforesaid That all and every the present Distillers, Shall on every three Months after the Said first Day of July and all others Setting up that Trade Afterwards at the end of every three Months after the Date of their Recognizance and during the Continuance of this Act (if they Shall follow that Art or Occupation so long) deliver unto the Said Treasurer a true Account of the full quantity of rum or other Spirits by them distilled wholly or in part from Molasses, from the respective times above Mentioned, which Accounts each of them is to declare upon Oath does Contain the full quantity by them distilled as aforesaid. And so in like manner every Account to be delivered by them at the End of every three Months, they are respectively to declare upon Oath doth Contain the full Quantity of rum or Sperits by them distilled WHOLLY or in part from Molasses Since the Date of their last Account all which Accounts are to be lodged with the Said Treasurer.

AND be it further Enacted by the Same Authority that each and every of the Said Distillers at each and every of the times they hereby are directed to deliver accounts upon Oath to the Treasurer Shall pay unto him the full Duty Imposed by this Act on Such rum or other Spirits as aforesaid who thereupon is to give them a Receipt for the Same which Receipt Shall be a Sufficient discharge unto them respectively for so much as Shall therein be mentioned to have been received.

AND be it further Enacted by the Authority aforesaid, That Such of the Said Distillers as Shall deliver in upon Oath a Short or False Account whereby the Publick Shall be defrauded of the Dutys ariseing by this Act on Rum or other Spirits to be distilled as aforesaid, and being thereof Convicted in any Court of Record within this Colony Shall forfeit the Sum of fifty pounds to be recovered applyed and divided as aforesaid.

AND Whereas Trade and Navigation ought to meet with no more delays and difficulties than what are absolutely Necessary

as well for the Dispatch thereof, as for Securing the Several Dutys Imposed by this Act. Be it Enacted by the Same Authority, That the Treasurer of this Colony for the time being Shall and hereby is fully Impowered Authorized and required to Administer all or any of the Oaths by this Act directed to be taken by Masters Mates or Pursers of Vessells Importers of Dutyable Goods and Distillers of Rum or other Sperits as aforesaid, for administering of which Oaths no fee or reward is to be taken.

AND Whereas there is at present a Deputy Collector of his Majestys Customs Constituted in the County of Suffolk, whereby the Inhabitants and others have the oppertunity to carry on Some Trade and Navigation within the district thereof. And to the End the Dutys hereby Imposed on the Dutyable Goods hereinbeforementioned may be Secured of Such of them as Shall from time to time be IMPORTED there during the Continuance of this Act, The Generall Assembly pray it may be Enacted and it is hereby Enacted by the Authority aforesaid, that a fitt able and discreet Person resideing or to reside within the said district, be by his Excellency the Govern'r by Warrant under his hand and Seal Nominated and appointed in the Said County of Suffolk, and that Such Person do or Shall not reside above Six Miles distance from the Habitation of the Said present Deputy Collector, as well for the greater ease of the Traders as for the better Securing of the Dutys aforesaid.

AND be it further Enacted by the Authority aforesaid, That the Person so to be appointed and Comissionated Shall before he enter upon the Execution of his Said Office take (beside the Oaths test and Subscription appointed by law) the following oath.

I A: B: will truly and faithfully according to the best of my Skill Judgment and understanding during the CONTINUANCE of my Office, Collect gather receive and Secure to be paid, all and every Sum and Sums of money that Shall become due and payable in the County of Suffolk by Virtue of this Act upon the Importation of the Severall Goods and Comoditys thereby made dutyable. I will keep true and Exact Books and accounts of all moneys to be received by me and of the Notes and Bonds to be taken and will once in every Six Months Transmit copys of the Same to the Treasurer of this Colony for the time being, and at the Same time pay unto the said Treasurer all and every Sum and Sums of money which Shall be Collected and received by me for the dutys aforesaid so help me God. And that he Shall likewise enter into Recognizance to our Sovereign Lord the King, his Heires and Suc-

cessors with two Sufficient Securitys in The Sum of one hundred pounds for the true and faithful discharge of the trust reposed in him by Virtue of this Act.

AND be it further Enacted by the Same Authority that WHEN Such Person in the County of Suffolk Shall be so Comissioned and qualified and hath given Such Security as aforesaid he Shall then & hereby is fully Impowered directed and required, to Collect gather and receive all and every the Sum and Sums of money which Shall become due and payable during the Continuance of this Act, for any of the goods and Comodities thereby made dutyable which Shall be Imported landed or put ashore within the Said District. And all Such Sum and Sums of money so by him to be gathered and received Shall by him be paid unto the Treasurer of this Colony, for the time being, whose receipt Shall be a Sufficient discharge to him for so much as Shall therein be mentioned to be received.

AND be it further Enacted by the Authority aforesaid that in all matters the Said Person so Comissionated as aforesaid Shall in every respect and to all Intents and purposes whatsoever have the Same power and Authority to do perform and Execute all and Singular the Powers dutys and Functions in the Said County so far AS the said Deputy Collectors district doth Extend, as in this Act is given to and required from the Treasurer of this Colony in as full and ample manner as if the Same Powers Dutys and functions were particularly and at large repeated in this Clause, and he is hereby required to act accordingly.

AND for the more regular and Effectuall Collecting gathering and receiving the dutys to arise within the said district, on the goods and Comoditys hereby made Dutyable as aforesaid; Be it Enacted by the authority aforesaid that all Masters, Mates or Pursers of Vessells coming to Trade and Traffick there, and all Merchants Factors, or others acting in their behalfs or for themselves and all dutyable goods to be landed or put ashore within the said district Shall be Subject to all the rules Regulations and Injunctions, and lyable to the Same fines penaltys and forfeitures as are herein before Enacted for the Port of New York as well under the management of the Treasurer of this Colony as under the Inspection of the Colony Searcher as fully and amply to all Intents CONSTRUCTIONS and purposes as if all the Clauses relateing thereto were particularly and at large repeated in this Clause.

AND whereas there neither is or like to be a fix'd Gauger in the Said County, Be it Enacted by the Authority aforesaid that the said Person so to be Commissionated as aforesaid Shall appoint an honest able Person to gauge all Such rum or other Distilled Liquors as Shall be Imported within the Said district and that he first administer unto him an oath that he Shall well and truly gauge all Such Casks of Liquors so Imported there and return to him an Account of the Exact Contents thereof for which gaugeing the Importer or owner of Such Liquors is to pay unto the said Gauger the Sum of nine pence for each Cask.

BE it also Enacted by the Same Authority that all the fines penaltys and forfeitures which may happen to become due within the said District shall be recovered, divided and applyed as herein before is directed.

PROVIDED always and it is the true Intent and meaning OF This Act that all Dutyable Goods and Comoditys which Shall be Carried from the Port of New York and of which the aforesaid Dutys have been paid there Shall not be lyable to any of the Said Dutys in the County of Suffolk.

BE it also Enacted by the Authority aforesaid that it Shall and may be Lawfull for the Person so to be Commissioned as aforesaid to retain in his hands the Sum of two Shillings on every pound he Shall receive by Virtue of this Act and pay unto the Treasurer of this Colony in pursuance thereof as a reward for the Services hereby directed to be performed by him.

BE it further Enacted by the Authority aforesaid that all the Severall Sum and Sums of money to arise for Dutys by Virtue of this Act either in the County of Suffolk or in the Port of New York Shall be paid unto the present Treasurer of this Colony (or to the Treasurer thereof for the time being) who is hereby Impowered to receive the Same

AND be it also Enacted by the Same Authority that all THE aforesaid Sum and Sums of money to arise by the Severall Dutys aforesaid Shall be Issued and paid by the Said Treasurer in the manner hereinafter directed and in no other manner whatsoever. And that it Shall and may be Lawfull to and for the Said Treasurer to retain in his hands out of all the moneys which he Shall receive by means of the aforesaid Dutys, as a reward for his trouble, as well in receiving and paying the Same, as for takeing Manifests and Entrys giveing Certificates administering Oaths and performing all other the Services hereinbefore directed to be performed by him, and for keeping Books and rendering Accounts

thereof the Sum of five pounds on every hundred pounds, and after that Rate for a greater or lesser Sum.

AND to the end the Treasurer may be enabled to pay and discharge the Severall Sallarys of the Offices of the Government and the other Charges and Services properly appertaining to the Support thereof, as the Same Shall respectively become due during the three Years herein before mentioned.

BE it further Enacted by the Governour the Council and the Generall Assembly and it is hereby enacted by the Authority of the Same that there Shall and hereby is given and granted unto his Majesty his Heires and Successors to and for the Support of his Government in this Colony and to and for no other use or purpose whatsoever, the Sum of three thousand Six hundred pounds, in Sevill Pillar or mexico Plate, Lion Dollars or Bills of Credit made Current in this Colony to be Assessed Raised and Levyed upon the Estate Real and Personall of all and every the Freeholders Inhabitants and Residents within this Colony which said Sum of Three Thousand and Six hundred Pounds Shall be Collected and paid at the times and in the manner following, that is to say.

The Sum of Twelve hundred Pounds on or before the first Day of October in this present Year one thousand Seven hundred and twenty Six.

The like sum of Twelve hundred Pounds on or before the first day of October which will be in the Year one thousand Seven hundred & Twenty Seven

AND the like Sum of Twelve hundred Pounds on or before the first Day of October, which will be in the Year one thousand Seven hundred and twenty Eight.

WHICH Said Sums of Twelve hundred Pounds hereby appointed to be annually paid on the days and times above mentioned Shall be Yearly raised, Levyed and paid by the Freeholders Inhabitants and Residents in the Severall and Respective Citys and Countys within this Colony during the three Years before mentioned according to and in the Proportions following that is to Say.

BY the City and County of New York the Sum of Three hundred and Seventy three Pounds five Shillings Yearly and every Year during the Said three Years

BY the City and County of Albany the Sum of one hundred and fifty two Pounds Seven Shillings Yearly and every Year during the said three Yeares

BY Kings County the Sum of Eighty Pounds Yearly & EVERY Year during the Said Three Years.

BY Queens County the Sum of one hundred and Forty five pounds Yearly and every Year dureing the said three Years.

BY Suffolk County the Sum of one hundred and forty five pounds yearly and every Year dureing the said three Yeares.

BY Richmond County the Sum of Sixty Seven pounds five Shillings yearly and every Year, dureing the said three Years.

BY Westchester County the Sum of Eighty three pounds five Shillings Yearly and every year dureing the said three Years.

BY Ulster County the Sum of ninety four pounds Eight Shillings Yearly and every year dureing the said three Years.

BY Orange County the Sum of twenty nine pounds fifteen Shillings yearly and every year dureing the said three Yeares.

AND by Dutches County the Sum of twenty nine pounds fifteen Shillings yearly and every Year dureing the said three Yeares.

AND to the end the full Sum Intended to be raised AND Levyed by Virtue of this Act may remain Effective & Compleat. Be it enacted by the Authority aforesaid, that over and above the respective Quotas before mentioned, there Shall be raised levyed & Collected dureing the said three Years the Sum of fifteen pence on each pound of the Quota's so lay'd as aforesaid which Shall be Assessed levyed and Collected together with the said Quota's out of which the Severall and Respective Collectors may and are to retain in his and their hands the Sum of nine pence on each pound he or they Shall pay into the Treasury as a reward for his or their trouble in Collecting and paying the Same, and the remaining Six pence on each pound paid unto the Treasurer Shall and may be retained by him as a reward for his Service and trouble in receiving and paying the moneys to arise by the said Taxes and for keeping Books and rendering Accounts thereof.

AND be it further Enacted by the Authority aforesaid that all the Severall Collectors for the time being within this Colony Shall during the said three Years annually pay the Respective Collections TO be made by them by Virtue of this Act unto the said present Treasurer or to the Treasurer of this Colony for the time being on or before the first Day of November which Shall be in every of the before mentioned three Years. And the said Treasurer is to give gratis unto every Such Collector receipts for the respective Sums so to be paid by them which receipts Shall be a good and Sufficient discharge in the Law to every of Such Collectors, for so much as Shall therein be mentioned and Expressed.

AND for the better Assessing Collecting and receiving of the Said Sum of Three Thousand and Six hundred pounds, Be it Enacted by the authority aforesaid that the Mayors and Aldermen of the Citys of New York and Albany, and the Justices of the Peace or the major part of them for the time being for the respective Countys within this Colony do meet and Assemble together in the Court Houses of the Said Severall and respective Citys and Countys or at Such other Place or Places as they Shall agree among themselves on or before the first Tuesday IN every Month of August during the Said three Years and by Warrants under their hands and Seals, Order the Assessors and Collectors of the Respective Citys, Towns, Mannors, Libertys, Wards, Islands and Precincts within their Severall Jurisdictions, which are chosen elected or appointed to Assess and Collect the Publick Rates for defraying of the Publick and necessary Charge of each Respective City and County To Assess, and Collect in manner aforesaid their and every of Their Respective Quota's on or before the Respective Days and times hereinbeforementioned, so as that the Same may Effectually be paid into the Treasury dureing the Said three Years on or before the times hereinbefore limited and appointed.

AND be it further Enacted by the Authority aforesaid, that in case the Freeholders and Inhabitants in any Mannor, Town, Liberty or Precinct within any of the respective Countys do or Shall omit neglect or refuse, annually to chuse or Elect Assessors or Collectors during the aforesaid three Years whereby the Intent of this Act might BE Eluded or defeated that then and in Such Case, any two or more of the Justices of the Peace for the County where Such omission Neglect or refusall Shall happen, are hereby Impowered Authorized & Required to Nominate and appoint Assessors and Collectors for Such mannors, Towns, Libertys and Precincts. And the Assessors and Collectors so to be Nominated and appointed Shall to all Intents Constructions and purposes whatsoever have the Same powers as Assessors or Collectors duely Chosen and Elected and they are accordingly to observe and perform all and every the directions which other Assessors and Collectors by this Act are Injoynd to observe and perform.

And be it further Enacted by the Same Authority, that the said Mayors and Aldermen of the Citys of New York and Albany and the Justices of the Peace in every County or any two of them Shall have full Power and Authority by this Act & thereby are

required to administer unto the Said Assessors an Oath on the Holy Evangelists that they Shall & will well truly equally Impartially & in due & EQUALL proportion according to the best of their Skill and understanding assess and Rate the Real and Personall Estate of all the freeholders Inhabitants, Residents and Sojourners of the Respective Places for which they Shall be Chosen or appointed Assessors, which Oath all and every of the said Assessors are hereby required to take & observe.

AND be it further Enacted by the aforesaid Authority, That if any Mayor Aldermen or Justice of the Peace within this Colony who are hereby Impowered Authorized and Required to take Effectuall Care that this Act be duly Executed, according to the true Intent and meaning thereof Shall refuse Neglect or delay to do perform and Execute all or any of the dutys Powers & Authoritys by this Act required to be done and performed by him or them and thereof be lawfully convicted in any of his Majestys Courts of Record within this Colony he or they Shall for Such or any of Such offences Suffer Such pains and penaltys by fines or Imprisonment as by the discretion of the JUSTICES of the Said Courts Shall be adjudged.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons who Shall be Chosen or appointed Assessor or Collector in manner hereinbeforementioned, Shall deny neglect or unequally and Partially Assess or refuse to make Such Assessment as by this Act is required or Shall deny neglect or refuse to Collect any Sum or Sums of money laid Taxed and Assessed in form before mentioned and thereof be Convicted before any Justices of the Peace of the Citys and Countys where Such Offender Shall dwell or reside (which Said Justices are hereby Impowered and required to hear determine and do the Same) Shall by Warrants under the hands and Seals of Such Justices be Committed to the Common Goale there to remain without Bail or mainprize till he and they make fine and ransome for Such Offence and Contempts as aforesaid.

And be it further Enacted by the Same Authority that if any Person or Persons within this Colony Shall refuse Neglect or DELAY to pay the Severall Sum and Sums of money Assessed by Virtue of this Act, in manner aforesaid, for Such Person or Persons to pay upon demand thereof made by the Collector or Collectors of the Place or Places where Such Person or Persons shall dwell or reside, It Shall and may be lawfull to & for Such Collector or Collectors to distrain such Person or Persons so

refusing delaying or Neglecting, by his her or their Goods and Chattles, and the distress so taken to keep by the space of four days at the cost and charges of the Owners thereof, And if the Owner or Owners shall and do not pay the Sum Or Sums of money so distrained for, within the said four days then the said distress to be publickly sold by the said Collector or Collectors for the payment of the said money, and the over plus comeing by the said Sale (if any there be) over and above the Charge of takeing keeping and selling the said Distress to be Imediately restored to the Owner or Owners thereof

AND for preventing Scruples and doubts in any Person or Persons about payments of the Dutys and Taxes to arise by Virtue of this Act, Be it declared and enacted by the Authority aforesaid that Abraham DE PEYSTER Junior the present Treasurer of this Colony is & Shall be Authorized and Impowered to receive the Same and that all receipts to be past accordingly by him or the Treasurer for the time being Shall be good and Effectuall in law, for so much as shall therein be mentioned and Expressed to be received.

AND be it further Enacted by the Authority aforesaid that all and every the Sum and Sums of money which by Virtue of this Act shall be received by the said Treasurer for the use herein before mentioned, shall be paid and Issued by him to Such Person or Persons and in Such Manner as he Shall from time to time be directed by warrant or warrants to be past in Council under the hand and Seal of his Excellency the Governour of this Colony, which warrants being endorsed by the Persons to whom they are made payable, Shall be a good and Sufficient discharge in the law to the said Treasurer for so much as Shall be Expressed therein And to the end the Treasurer may at all times know what warrants are so drawn as aforesaid, the Clerk or Deputy Clerk of the Council Is HEREBY directed and required, Imediately after the draught thereof to Signify under his hand to the said Treasurer the name or names of the Person or Persons to whom they are made payable, together with the sum and Number thereof which said warrants are to be numbred and paid in course according to their Number.

AND be it also enacted by the Authority aforesaid that of all the Severall sums of money which the said Treasurer Shall receive and pay by Virtue of this Act, He Shall keep exact and distinct Books of Accounts and that he Shall render accounts thereof upon oath to the Governour for the time being, the Council and

the Generall Assembly when by them or either of them thereunto required

AND whereas in and by an Act entituled an Act for paying and discharging Severall debts due from this Colony to the Persons therein named and for raiseing and putting into the hands of the Treasurer of this Colony Severall quantitys of plate to be applied to the Publick and necessary uses of this Colony and to make Bills of Credit to the VALUE of forty one thousand five hundred and Seventeen ounces and a half of Plate for that purpose past in the fourth Year of his present Majestys Reign there was given and granted to his Majesty his Heires and Successors to and for the payment of the Severall debts therein mentioned & for Sinking the Bills of Credit, thereby made Current in this Colony for the term of Seventeen Years the Duty of one ounce and a quarter of Sevill pillar or mexico plate, for every pipe of Wine Imported into this Colony & in that Proportion for a greater or lesser quantity, as also two grains and a half of like plate for every gallon of rum Brandy or other distilled liquors Imported into the said Colony as in and by the said Act relation being thereunto had may more at large appear.

AND Whereas in the said Act provision is only made for Securing those two Dutys in the Port of New York, and it being reasonable that the Same Should likewise be Secured in the County of Suffolk Since a Deputy Collector is constituted there as aforesaid, Be it Enacted by the Authority aforesaid, that the Person to be nominated appointed and COMMISSIONATED in the said County of Suffolk to Collect gather and receive the Severall Dutys to arise by Virtue of this Act shall have full Power and Authority, and hereby is Required, to secure Collect and receive, all and every Sum and Sums of money which Shall become due and payable by means of the said two Dutys on the Wine and Rum which Shall be Imported within the aforesaid district during the Continuance of this Act, and that he shall not only keep distinct Books and accoumpts thereof, but likewise pay the money to arise thereby and render accoumpts of the same every Six months unto the said Treasurer of this Colony or to the Treasurer thereof for the time being and that it Shall and may be Lawfull for him to retain for his own Use two Shillings on every pound which he Shall receive by means of the said two Dutys and pay to the said Treasurer as a reward for his Care and trouble therein. And the said Treasurer is to Imploy the money so to be paid unto him for the said two Dutys as IN and by the aforesaid Act is directed and to and for no other use or purpose whatsoever.

[CHAPTER 468.]

[Chapter 468, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321.]

An Act for Discharging a Debt to the late Agents for this Colony at the Court of Great Britain, for finishing & Compleating the buildings in his Majestys Fort George, for borrowing certain Sums for those purposes out of the Fonds therein mentioned, and for laying a Tax to make good Such parts thereof as Stand appropriated to particular uses.

[Passed, June 17, 1726.]

WHEREAS the Generall Assembly by their Respective Resolves past in the Years one thousand Seven hundred and twenty four and one thousand Seven hundred and twenty five Stand Engaged to Discharge a debt owing to the late Agents for this Colony at the Court of Great Britain and to provide money for finishing & Compleating the New Buildings in his Majestys Fort George which Engagements ought punctually to be performed as well to keep up the Reputation of Such unanimous Resolutions as to answer the Ends and purposes aforesaid.

But for as much as ready money is required to doe the Same in an Effectual Manner, the said General Assembly do conceive that applying some moneys which remain in the Treasury of this Colony unappropriated and borrowing some farther Sums out of other Fonds now in the Said Treasury untill they can be made good again by an Extraordinary LEVY to be laid by this Act on the Inhabitants of this Colony will fully and Effectually answer the Ends and purposes aforesaid and at the Same time so far ease the Said Inhabitants as to remove the payment of a Tax hereby Intended to be laid untill the Severall Taxes are Collected and paid which by Severall other Acts of the Said Assembly are lay'd upon them some of which will continue till the first day of Novemb'r which will be in the Year one thousand Seven hundred and twenty Eight.

FOR providing in the manner above mentioned the Sum of Seven hundred Pounds requisite for the ends and purposes aforesaid. Be it Enacted by his Excellency the Governour the Council and the Generall Assembly of this Colony and it is hereby

Enacted by the Authority of the Same, That the Sum of Seventy two Pounds nine Shillings & one penny three farthings being a Surplus remaining in the Treasury of monys raised by Virtue of an Act of the Generall Assembly of this Colony entituled an Act for raising a Fund of one thousand two hundred pounds for presents to the five Nations and for defence of the Fronteers passed in the Seventh Year of her late Majestys Reign, (the Services for which that Fond was raised having been fully answered at that time and ever Since and Still is otherwise provided for) Shall be applyed to and for the Ends & purposes aforesaid, in manner and form as hereinafter Shall be directed any thing in the Said Act to the Contrary thereof in any wise notwithstanding.

BE it also Enacted by the Authority aforesaid that out of the money arisen by Virtue of an Act of the Said Assembly, Entituled an Act FOR laying a Duty on Goods Sold by Auction Vendue or outcry passed in the twelfth Year of her late Majestys Reign and Continued by Severall Subsequent Acts (whereby the Said money was Enacted to be applyed to Such use or uses as the Governour Council and Generall Assembly Should think fit) the Sume of Seventy five pounds thirteen Shillings and five pence (so much remaining thereof either in the hands of the Vendue Master or the Treasurer untill the twentieth day of Aprill last past) Shall be applyed to and for the ends and purposes aforesaid in manner and Form as Shaill herein after be directed any thing in the said Act or either of them to the Contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Same Authority that for the Effectual answering of the Ends and purposes by this Act Intended and for Compleating the aforesaid Sum of Seven hundred Pounds, the Sum of five hundred and fifty one pounds Seventeen Shillings & five pence farthing Shall be borrowed out of the Severall Fonds arisen by Virtue of the respective Acts hereunder mentioned that is to say.

Out of a Surplus of money remaining in the Treasury arisen by Virtue of an Act Entituled an Act for raising the Sum of three thousand pounds towards defraying the Expence of fortifying the City of New York passed in the Year one thousand Seven hundred and Six the Sum of one Hundred pounds to be applyed for the Ends and purposes aforesaid in manner and Form as Shall hereinafter be directed any thing in the Said Act to the Contrary thereof in any wise notwithstanding.

OUT of money for Forfeitures now in the Treasury arisen by Virtue of an Act Entituled an Act for the further and more Effectual Prohibiting of the Selling Indian Goods to the French passed in the Eighth Year of his present Majestys Reign and Continued and Confirmed by other Subsequent Acts; a further Sum of three hundred and twenty pounds to be applyed for the ends and purposes aforesaid in manner and Form as Shall hereinafter be directed any thing in the Said Act or those Continuing and Confirming the Same to the Contrary thereof in any wise notwithstanding.

AND out of monys for Excise now likewise in the Treasury arisen by Virtue of an Act Entituled an Act for laying an Excise on all Strong Liquors retailed in this Colony passed in the twelfth Year of Her late Majestys Reign, the farther Sum of one hundred thirty one pounds Seaventeen Shillings and five pence farthing to be apply'd for the Ends and purposes aforesaid in manner and form as Shall hereinafter be directed any thing in the Said Act or the Act (appropriating the Said Excise) Entituled an Act for paying and discharging the Severall debts and Sums of money Claimed as debts of this Colony to the Severall Persons therein named, And to make and enforce the Currency of Bills of Credit to the Value of twenty Seven thousand Six hundred and Eighty pounds for that purpose, also to make void all Claims and Demands made or protended to be due from this Colony before the first day of June one thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the FUTURE passed in the thirteenth Year of her late Majestys Reign any thing in the Said Acts or either of them to the Contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid that after the Publication of this Act the Treasurer of this Colony Shall transfer all and every the Articles and Sums of money herein before mentioned from the Severall Accounts to which the Same properly appertained to a new & Separate account to be opened made and kept in his Books for that purpose so as that it may appear the whole Intended for the Ends and purposes aforesaid dos amount to the full Sum of Seven hundred pounds of which he is again to discharge himself by making payments thereof in the manner hereinafter directed.

AND be it further Enacted by the Authority aforesaid that the Sum of two hundred Pounds (part of the said Seven hundred pounds) Shall by the said Treasurer be Invested in a good Bill of

Exchange either from his Excellency the Governour or from some other Substantial drawer at the easiest Exchange he can taking three Bills of one tenor and date for the Same payable to Mr. Peter Le Heup one of the late Agents to & for the use of himself and of Mr. George Bamfield the other late Agent for this Colony at the Court of Great Britain two of which Said Bills the Said Treasurer is to deliver to the present Speaker of the Generall Assembly who is hereby desired and required to transmit the Same by two Severall SHIPS or Vessells bound for London unto the Said Mr. Le Heup and the other is to remain with the Said Treasurer, which Shall be unto him a Sufficient Voucher and Discharge in the Law for the Said two hundred pounds. And Such Bill of Exchange as aforesaid being remitted in the manner before mentioned Shall be in full payment and Satisfaction to the Said Mr. Bamfield and the Said Mr. Le Heup for their Sallarys Fees Solicitations and other necessary Charges and Expences for the Service of this Colony at the Court of Great Britain

AND be it further Enacted by the Authority aforesaid that the Sum of five hundred pounds (remainder of the Said Seven hundred Pounds) Shall by the Said Treasurer be paid upon Warrants under the hand and Seal of his Excellency the Governour drawn by and with the advice and Consent of his Majestys Council for this Colony to and for materials and workmanship to be applyed for finishing & Compleating the New Buildings in his Majestys Fort George and to and for no other use or purposes whatsoever. And all & every Such Warrants with a receipt Indorsed thereon by the Person or Persons to whom the Same Shall be made payable, Shall be unto the Said Treasurer a Sufficient and Effectual discharge in the Law, to all Intents and Purposes whatsoever for so much as Shall be mentioned in Such Warrants & receipts

AND to the End the Severall Sums borrowed for the Ends and purposes aforesaid out of the respective Fonds before mentioned may be Effectually repay'd and made good again to each of those Fonds Respectively, Be it further Enacted by the Governour the Council and the Generall Assembly and IT IS hereby Enacted by the Authority of the Same, that there Shall be & hereby is given and granted unto his Majesty his Heires and Successors in Sivill Pillar or Mexico Plate, Lyon Dollars or Bills of Credit made Current in this Colony the Sum of five hundred fifty one pounds Seventeen Shillings & five pence farthing which Shall by an Extraordinary Levy be assessed raised & levyed at the time

hereinafter mentioned upon the Estates real and Personall of all and every the Freeholders Inhabitants & Residents within this Colony to and for the uses & purposes beforementioned and to and for no other use or purposes whatsoever according to and in the Quota's & proportions following that is to Say.

By the City and County of New York the Sum of one hundred forty nine pounds one Shilling & one peny farthing.

By the City & County of Albany the Sum of one hundred & Ten pounds Seven Shillings and nine pence.

By Kings County the Sum of thirty Eight pounds twelve Shillings and three pence.

By Queens County the Sum of Sixty pounds fourteen Shillings.

By Suffolk County the Sum of Sixty pounds fourteen Shillings.

By Richmond County the Sum of twenty two pounds one Shilling and three pence.

By Westchester County the Sum of thirty eight pounds twelve

By Ulster County the Sum of Forty nine pounds thirteen Shillings & Six pence.

BY Orange County the Sum of Eleven pounds & Eight pence.

And by Dutches County the Sum of Eleven pounds & Eight pence.

AND to the end the full Sum intended to be raised by Virtue of this Act may remain Effective and Compleat. Be it Enacted by the authority aforesaid that over and above the Severall Quota's herein beforementioned there Shall be raised Assessed Levyed and Collected the Sum of fifteen pence on each pound of the Said Quota's, which being Collected together with the Quota's afores'd Nine pence on each pounds thereof Shall & may be retained in the hands of the Collectors as a reward for their trouble in Collecting and paying the Same into the Treasury and the remaining Six pence on each pound which Shall so be paid unto the Treasurer Shall and may be retained by him as a reward for his trouble in receiving and paying the money to be raised by this Act and for keeping Books and rendering accounts thereof in the manner herein directed And for avoiding Scruples in the Severall Collectors about paying the money to be received gathered & Collected by them. Be it Enacted by the Authority aforesaid that the Said Collectors and every of them Shall pay the respective Sums of money which they Shall receive gather and Collect by Virtue of this Act unto Abraham De Peyster Jun'r the

present Treasurer of this Colony or the Treasurer thereof for the time being, and that the Said Treasurer Shall give unto every Collector so paying any Sum or Sums of money unto him receipts gratis for the respective Sums so to be paid by them which Said receipts Shall be good & Sufficient in the Law to every of such Collector for so much, as Shall therein be mentioned & Exprest.

AND for the Effectual attaining the ends and purposes meant & Intended by this Act, Be it Enacted by the Authority aforesaid that the Mayors and Aldermen of the Citys of New York and Albany and the Justices of the Peace of every County in this Colony for the time being Shall (for the purposes hereby Intended) Severally and Respectively have and hereby are Vested with all & Singular the Powers and Authoritys given unto Mayors Aldermen and Justices of the Peace Respectively in and by an Act of the Generall Assembly of this Colony Entituled an Act for raising and levying the Sum of Six thousand Six hundred and thirty pounds for the Supplying the Deficiencys of his Majestys Revenue and for the Severall uses and purposes therein mentioned and for making Bills of Credit to be Issued for that Value passed in the tenth Year of his present Majestys Reign in as full large and ample manner to all Intents Constructions and purposes as if every article and Clause giving Such Powers and Authoritys were particularly and at large incerted in the body of this Act. So nevertheless as that they Severally & Respectively meet and Issue their Orders or Warrants to the Severall Assessors & Collectors for the time being (which Shall be Elected or appointed to assess & Collect the County rates) for laying, Assessing, gathering & Collecting their & each of their Respective Quota's before mentioned on or before the first Tuesday in the Month of August which will be in the Year one thousand Seven hundred & twenty nine

AND for the Effectual Assessing and Collecting the aforesaid Sum of five hundred fifty one pounds Seventeen Shillings & five pence FARTHING according to the Quota's & Proportions herein before mentioned Be it further Enacted by the Same Authority that all and every the Severall Assessors and Collectors for the time being in the Citys of New York and Albany & all and every the Assessors and Collectors for the time being Elected and Chosen in the Severall Towns, Mannors Libertys, Wards, Precincts & Islands throughout this Colony, and for want of Such Election, Those that Shall be Nominated & appointed by the

Justices of the Peace Shall have all & Singular the Powers & Authoritys that are given to & Vested in Assessors & Collectors in & by the before mentioned Act Entituled an Act for raising and Levying the Sum of Six thousand Six hundred and thirty pounds for Supplying the Deficiencys of his Majestys Revenue and for the Severall uses and purposes therein mentioned and for making of Bills of Credit to be Issued for that Value, in as full and ample manner, to all Intents Constructions and purposes, as if all the Said Powers & Authoritys, and every Article and Clause relating thereto, were particularly and at large incerted in the Body of this Act, So nevertheless as that all and every of the aforesaid Collectors Shall and do Collect and pay in unto the Treasurer of this Colony or the Treasurer thereof for the time being, the Severall and Respective Sums so by them and every of them to be Collected on or before the first Tuesday in the Month of November which will be in the Said Year one thousand Seven hundred and twenty nine.

AND to the end the true Intent meaning and purposes of this Act may not be frustrated Eluded or defeated by the Omission neglect REFUSALL or delay of the Said Mayors and Aldermen Justices of the Peace, Assessors or Collectors throughout this Colony, Be it further Enacted by the Authority aforesaid That Such Mayor and Aldermen, Justices of the Peace Assessors or Collectors any or either of them as Shall be Guilty of Such omission Neglect refusall or Delay Shall be and hereby are made Subject and Lyable to all the fines and Penaltys Such offenders are Subject and Lyable to in and by the before mentioned Act Entituled an Act for raising & levying the Sum of Six thousand Six hundred and thirty pounds for the Supplying the deficiencys of his Majestys Revenue and for the Severall uses and purposes therein mentioned and for making of Bills of Credit to be Issued for that Value and the Same Shall and may be inflicted Recovered and applyed in and by the Same manner and methods as in the said Act is directed, as Effectually to all Intents Constructions and purposes as if the Same had been particularly and at large Enacted in this Act.

AND to the end the five hundred fifty one pounds Seventeen Shillings and five pence farthing borrowed by this Act out of the respective Fonds therein mentioned may be repayed and made good again to each of the Fonds from whence the Same was so borrowed as aforesaid, Be it Enacted by the Same Authority that as soon as the money to arise by the Tax herein before mentioned

Shall be paid into the Treasury or within one Month thereafter, the Treasurer of this Colony Shall transfer again & replace unto each of the Said Fonds so much as by this Act has been borrowed from them Respectively That is to Say.

TO the before mentioned Act Entituled an Act for raising the Sum of three Thousand Pounds towards defraying the Expence of fortifying the City of New York passed in the Year one thousand Seven hundred and Six the Sum of one hundred pounds which Sum being so replaced Shall remain to and for the uses mentioned in the aforesaid Act in like manner as if the Same had not been borrowed by this Act.

To the Act before mentioned Entituled an Act for the further and more Effecutal prohibiting of the Selling Indian Goods to the French passed in the eighth Year of his Majestys Reign the Sum of three hundred & twenty pounds which Sum being so replaced Shall remain to and for the use mentioned in the Said Act in like manner as if the Same had not been borrowed by this Act.

AND to the aforementioned Act entituled an Act for laying an Excise on all Strong Liquors retailed in this Colony passed in the twelfth Year of her late Majestys Reign the Sum of one hundred thirty one pounds Seventeen Shillings and five pence farthing, which Said Sum being so replaced Shall be applied as the Same Stands appropriated by the before mentioned Act Entituled an Act for paying and discharging the Severall Debts and Sums of money claimed as debts of this Colony to the Several Persons therein named and to make & enforce the Currency of Bills of Credit to the Value of twenty Seven thousand Six hundred and Eighty pounds for that purpose also to make Void all Claims and Demands made or pretended to be due from this Colony before the first day of June one thousand Seven hundred and fourteen and to prevent THIS Colony from being in Debt for the future passed in the 13th Year of her late Majestys Reign, in the same manner as if the aforesaid Sum had not been borrowed by this Act.

AND be it further Enacted by the Authority aforesaid that of all the Sum and Sums of money to be transferred received paid & replaced in manner as hereinbefore is directed the Treasurer of this Colony Shall keep true and Exact Books of accounts and that he Shall render accounts thereof unto the Governour for the time being the Councill and the Generall Assembly when by them or either of them thereunto required.

[CHAPTER 469.]

[Chapter 469, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. Explained by chapter 497. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act to lay Different Dutys on the Goods therein mentioned and for Regulating the Indian Trade in the City and County of Albany for the term of two Years, & Moderating & ascertaining the fines Incurr'd by former Acts if paid within the time limited in this Act.

[Passed, June 17, 1726.]

WHEREAS the Trade with the Indians to and from the City of Albany is of great benefit to this Colony and therefore very necessary that all possible endeavours be used to preserve and encrease the Same and to prevent Ill disposed Persons (regarding more their own private lucre than the Publick good and advantage) to engross the said Trade in their particular hands to the greivous hurt and Damage of their fellow Subjects within the Said City and County of Albany, BE it therefore Enacted by his Excellency the Governour and Council and Generall Assembly, and it is hereby Enacted by the Authority of the Same that from and after the eighth day of July in this present Year of our Lord One thousand Seven hundred and twenty Six and for and during the Continuance of this Act the Dutys and Impositions hereinafter mentioned be granted and paid unto his Majesty his Heires and Successors to and for the uses hereinafter exprest that is to say, For every piece of Strouds whether whole or Cut up in smaller parts not exceeding twenty four yards to a piece which Shall be transported or carried out of the City of Albany to the westward of the said City the Sum of fifteen Shillings Current money of this Colony; For every pound weight of brass or Copper Kettles proper and designed for the Indian or French Trade transported or carried out of the said City to the Westward, thereof, two pence Current money aforesaid. For every yard of half thicks plains or Cottens TRANSPORTED or Carried out of the said City to the Westward thereof, the like Sum of two pence, except for the use of the Inhabitants of the said County. For every piece of Strouds whether whole or cut up in smaller parts not exceeding twenty four yards to a piece which Shall be Transported

or carried out of the said City, to the northward thereof the Sum of thirty Shillings Current money aforesaid. For every pound weight of brass or Copper kettles, proper and designed for the Indian or French Trade, transported or carried out of the said City to the Northward thereof, the Sum of four pence like Current money. For every yard of half thicks plains or Cottens, Except for the use of the Inhabitants of Said County, Transported or Carried out of the Said City to the Northward thereof the like Sum of four pence. And it is hereby further Enacted by the Authority aforesaid, that for the better Collecting and paying the Dutys hereby Imposed, that the Same be let out to Farm to the highest bidders, Provided the Same be let out for the Sum of five hundred pounds Current money of this Colony Pr Annum, or upwards, and to that end the Mayor & Recorder and Aldermen of the Said City of Albany or the Major part of them are hereby strictly charged and Commanded that they do by affixing advertisements give or cause to be given publick notice within the City and County of Albany, that the Dutys hereinbefore Imposed, are to be let out to Farm to the highest bidders at the City Hall of the said City on the Eighth day of July next insuing the said notice being given at least eight days before, And the Said Mayor Recorder and Aldermen or the Major part of them are hereby directed and impowered on the day aforesaid to let out the said dutys to Farm to ye highest bidders, provided it be at the Sum of five hundred pounds or upwards as aforesaid per annum, And then IMMEDIATELY by their Proclamation make known to the Inhabitants of the Said City and County, who are the Persons that have Farmed the said Dutys, and also then Immediately Oblidge the Said Farmers to enter into Recognizance with Security before them to our Sovereign Lord the King his Heires and Successors, in the Sum of Two Thousand Pounds Current money of this Colony, with Condition thereunder written to pay or Cause to be paid yearly and every year during the Continuation of this Act on every eighth day of July in each of the two Years herein after-mentioned, the Sum and Sums of money for which they Shall have so farmed the said Duty to the Treasurer of this Colony for the time being, for his Majestys use as hereinafter directed, and that att the end of the Said Term, they Shall deliver unto the Governour Council and Generall Assembly, a true and perfect account upon Oath of what Sum and Sums of money they Shall have received for the Said Duty during the time aforesaid.

AND for the Encouragement of bidders to advance the Farm of the Said Dutys, Be it Enacted by the Authority aforesaid, that if at the End of their Term, the Said Farmers Should Happen to be losers by Farming the Same, they Shall be relieved of so much thereof as Shall appear upon their Oaths that the Said Dutys have amounted to less then the Sum they had farmed the Same for, exclusive of their trouble, Pains and Charges reckoning the goods they have Traded for on their own account, or on the account of others for their use, and declareing further upon Oath that they have used their utmost Endeavours to make the most of Said Dutys.

AND for the better discovering of what quantity of the before-mentioned Goods are & Shall be in the City and County of Albany on the Eighth day of July AFORESAID and what quantitys thereof Shall from time to time during the Continuance of this Act be Imported within the Said City and County, Be it Enacted by the Authority aforesaid, that all and every Person and Persons within the Said City and County of Albany, be and hereby are streightly charged and commanded that they and every of them do on or before the eighteenth day of July aforesaid deliver Or Cause to be delivered unto the Farmers of the Said Duty, a Just and true account Sworn to by them Respectively, before one of his Majestys Justices of the Peace of the Said City and County, (who is hereby Authorized to Administer the Said Oath) of what quantity of the before mentioned goods they respectively have in their Possession, or in the Possession of any other Person or Persons to and for their use and of which the Farmers of the said Dutys are hereby also Strictly charged and Commanded to make and keep a fair list or Register And if any Person or Persons Shall refuse or neglect (four days after the Said Farmers Shall require the Same) to give in Such account upon oath as aforesaid, within the time limited by this Act, every Such Person and Persons Shall forfeit to his Majesty the Sum of three hundred Pounds Current money of this Colony to be recovered in any of his Majestys Courts of Judicature within this Colony, by Such Person or Persons as Shall Sue for the Same by Bill Plaint or Information wherein no protection Essoin wager of Law or more than one Imparliance Shall be admitted or allowed.

And be it further Enacted that all Masters of Sloops or other Vessells or any other Person or Persons whatsoever, that Shall bring or Import into the City or County of Albany from and after the Said Eighth day of July, and during the Continuance of this

Act, any of the herein beforementioned goods Shall before they be put on Shoar or unloaden enter THE Same with the Said Farmers (together with the quantitys thereof and to whom Consigned) who are hereby Commanded to keep a fair list or Register thereof, and Shall receive from every Person so entring the Same for their fees the Sum of Nine pence Current money of this Colony, for the Entry so to be made as aforesaid, And all Such of the before mentioned goods as after the Said Eighth day of July, Shall be brought into Imported or Landed within the Said City and County before they Shall have been entered in manner aforesaid, are hereby declared to be forfeited to his Majesty to be Sued for and recovered in manner aforesaid, And the Said Farmers are hereby fully authorized and Impowered to Seize the Said Goods so Imported Contrary to the Rules prescribed by this Act, And all Masters of Sloops or other Vessells & all Person and Persons Importing or Landing within the Said City or County any of the before mentioned Goods before Such Entry or Report is made as aforesaid, Shall forfeit the Sum of one hundred pounds Current money of this Colony, to be Sued for and recovered in manner aforesaid. And be it further Enacted by the Authority aforesaid that all & every person and Persons within the said City and County of Albany who at the time of the Commencement of this Act, and at any time or times during the Continuance of the Same, Shall have or have had in his or their Possession any of the before mentioned goods, Shall and hereby are Oblidged at the end of every half Year, to render an account of the disposition thereof to the Said Farmers and, to declare upon Oath before the Mayor Recorder or any two Justices of the Peace residing within the Said City and County of Albany (who are hereby Authorized to Administer the Same) that Such Account is true and that he or She or they **RESPECTIVELY** have not Disposed of the beforementioned nor any goods contrary to the directions of this Act and all and every Person or Persons refuseing to take the Said Oaths, Shall respectively forfeit to his Majesty the Sum of Three hundred pounds Current money of this Colony, to be Sued for and recovered in manner aforesaid.

AND for avoiding disputes about the disposition of the before mentioned Goods, Be it Enacted by the Authority aforesaid, that in Such accounts as in the foregoing Clause is directed to be rendered, it will be Sufficient to mention therein, In the first place what is by Such Person or Persons as aforesaid, Sent carried or transported Northward or Westward and of which the Said Duty

is paid or Secured to be paid, and in the next place to Set forth therein, what is by them or either of them retailed either to the five Nations or to the River or the far Indians, or to the Inhabitants of the Said City and County, according to the best of their knowledge or remembrance.

AND be it further Enacted by the Authority aforesaid, that all and every Person and Persons within the Said City and County of Albany that Shall at any time Or times during the Continuance of this Act, depart out of the Said City and County to Trade with the Indians or French to the Westward or Northward, of the Said City, Shall before his or their departure take out a Lycence or permission for his or their so doing from the Said Farmers who are hereby Authorized and required upon Application to them made to grant the Same under their hands and Seales receiving for the Same the fee of one Shilling and Six pence for every Person and Persons named in the Said License, and all and every Person or Persons as Shall presume to go a Trading in manner aforesaid without Such Lycence or Lycences first had and OBTAINED in manner aforesaid, Shall Severally forfeit to his Majesty the Sum of two hundred Pounds Current money of this Colony for every Such Offence to be Sued for & recovered in manner aforesaid, And the Said Farmers are hereby required to grant Such Lycence to every Person Demanding the Same under the Penalty of two hundred pounds for every refusal thereof which penalty Shall be one half to the Person Injured and the rest as other the Forfeitures in this Act to be Sued for & recovered in manner aforesaid

AND be it further Enacted by the Authority aforesaid that all and every Person or Persons Obtaining Such Lycence or Lycences to go a Trading in manner aforesaid Shall and are hereby Oblidged at the time of Obtaining the Same to enter with the Said Farmers the wholl quantity of the beforementioned goods they intend to carry along with them & then and there enter into Recognizance to pay to the Said Farmers the Dutys Imposed by this Act those that go to the Northward the Dutys in that behalf Imposed & those that go to the Wesward the Dutys in that behalf Imposed & that within the time of four Months next and after the Date of Said Recognizance Respectively or within eight Days next and after their return from trading which Shall first happen for which Said Recognizance each and every Person Giveing the Same Shall pay to the Said Farmers the Sum of eighteen pence and no more.

AND for the further preventing of fraud and that no Person or Persons having obtained a Lycence or Lycences to Trade to the Westward of the City of Albany & having entered their goods accordingly Should by Colour thereof go & Trade to the Northward of the Said City. Be it Enacted by the Authority aforesaid that every Such Person & Persons Shall be and hereby are made lyable to pay the Dutys hereby Imposed on goods carried out to Trade to the Northward of the Said City and every Such Person and Persons Shall further forfeit unto his Majesty the Sum of one hundred pounds Current money of this Colony for every Such Offence to be Sued for & recovered in manner aforesaid PROVIDED always and be it further Enacted by the Authority aforesaid that if any Person or Persons returning from Trading either from the Northward or Westward of the Said City, Shall at his or their return to the Said City of Albany, bring back any of the before mentioned Goods by him or them exported and Entered as aforesaid and Recognizance entered into, for Securing the payment of the Dutys by this Act Imposed in manner as aforesaid, Shall upon his and their making Oath, before the said Farmers (who are hereby Authorized to administer the Same) that the goods so by them brought back are really and bona fide part of the goods he or they carried out and had Entered as aforesaid, then all and every Such Person and Persons Shall be relieved from paying any Dutys for the goods so brought back as aforesaid, and for so much they and every of them Shall be Credited on their Respective Recognizances, any thing herein Contained to the Contrary hereof in any ways notwithstanding

PROVIDED also & be it further Enacted by the Authority aforesaid, that all and every Person and Persons who Shall Obtain a Lycence or Lycences, to go and Trade to the Westward of the Said City of Albany, Shall by virtue or on pretence thereof, trade or traffique with any Person or Persons whatsoever (unless for necessary provisions by the way) untill he or they come to the falls of Onnondage River or farther Westward, every Such Person and Persons Shall forfeit unto his Majesty the Sum of one hundred Pounds Current money of this Colony, for every Such Offence to be Sued for & recovered in manner aforesaid, any thing herein contained to the Contrary hereof, in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid that for Encouraging CANADA and other French Indians to come to Trade in the City of Albany, with their own Beavour & Peltry

each Canoe (generally manned with Six Persons) Shall and are hereby allowed every Trip or Journey they make to Trade there, free from all dutys for twelve fathom of Strouds cut or torn in pieces, of the length of two fathom or under, but That all & every other quantity of the goods whereon by Virtue of this Act, a duty is laid Sold to them by any of the Inhabitants of the Said City of Albany Shall be lyable to pay the Same dutyes as for goods Transported out to the Northward of the Said City, by Such Person and Persons as Shall Sell the Same, to the Said Indians, the quantity of which said goods the Persons so Selling the Same are to declare upon Oath to the Farmers within eight days after they have Sold the Same, on the Penalty of Twenty pounds.

AND for the further preventing of fraud, BE it also Enacted by the Authority aforesaid that upon the coming of any quantitys of Beaver or, peltry either by water or Land to the Said City and County of Albany, and that the Same be brought into the house or Houses of any of the Inhabitants of the Said City and County every Such Person & Persons into whose house Such Beavours or other Peltry Shall be brought, Shall be and is hereby Oblidged (if thereunto required by the Said Farmers) within two days thereafter to take an Oath before the Said Farmers (who are hereby authorized to administer the Same) that the Said Beavours or other Peltry so brought to his or their houses, respectively in manner afores'd are not (according to the best of their knoledge or beleife) for the payment of any of the beforementioned goods Sent carried or transported Contrary to the direction of this Act by them or for their use, Since the commencement thereof, and Such part or parts of the Said Beavours or Peltry as Shall not be so sworn to, Shall be forfeited to his Majesty to be SUEd for and Recovered in manner aforesaid.

PROVIDED always and it is hereby further Enacted by the Authority aforesaid that this Act nor any clause therein contained, shall be construed to Extend to lay or Impose any duty on the before mentioned goods, that Shall be traded within the City of Albany to the five Nations of Indians River Indians or other Indians coming there from the Westward by retail the Strouds being cut or torn in lengths of two fathom or under.

AND be it further Enacted by the Authority aforesaid that all and every the fines and forfeitures ariseing by Virtue of this Act Shall be paid into the Treasurer of this Colony for the time being and be disposed of one half to his Majesty, to and for such uses as Shall be at any time hereafter declared by his Excellency the

Governor & Council & Generall Assembly and the other half to the Informer or the Person or Persons that Shall Sue for and recover the Same in manner aforesaid.

AND be it further Enacted by the Authority aforesaid that out of the Dutys arising by this Act a Certain Sum not Exceeding three hundred pounds Current money of this Colony, Shall be yearly and every year during the continuance of this Act be disposed of by Warrant or Warrants from his Excellency the Governor in Council directed to the Said Treasurer for the paying & maintaining proper Persons to be employed by his said Excellency amongst the five Nations and other Indians for the Service of this Colony and to and for Such other use and uses among the Said Indians as to his said Excellency by & with the advice of his Majestys Council Shall from time to time be thought most beneficial for the said Colony and the residue & remainder thereof, to remain in the Custody of the Said Treasurer during the time of the continuance of this Act and then to be disposed of BY Warrant or Warrants from his Excellency in Council, for and towards the building and Erecting a stone or brick Wall for fortifying the City of Albany and to no other use and purpose whatsoever.

AND be it further Enacted by the Authority aforesaid, that if the Dutys Imposed by this Act cannot be let out to Farm on the Said Eighth day of July next ensuing, for the Sum of five hundred Pounds Current money of this Colony or upwards Pr Annum, then and in Such case Dirik Tenbroek and John De Peyster both of the Said City of Albany Esq's are hereby appointed Commissioners for the Executing of this Act, and are hereby Invested with all and every the Powers and Authoritys herein and hereby granted to Such as might have Farmed the Same, and Shall have and receive the like fees for entrys of goods and Lycence or Lycences to be given to the Traders and for Recognizances to be entered into by them as are herein before Expressed.

AND the Said Commissioners are hereby Obligated and Strictly Charged before they Enter upon the Execution of their Office to Enter into Recognizance, with Sufficient Suritys before the Mayor Recorder & Aldermen of the Said City of Albany or the Major part of them unto our Sovereign Lord the King his Heires and Successors in the Sum of Two Thousand Pounds Current money of this Colony, with Condition thereunder written to pay or Cause to be paid on every eighth Day of July, during the two Years hereinmentioned all the Sums and Sums of money which they or either of them Shall receive for the respective Dutys Imposed

by this Act, unto the Treasurer of this Colony for the time being, for the use of his Majesty for the Severall uses herein before mentioned. And that at the End of the Said two Years they Shall Render true and perfect accompts upon Oath, to the Governour Council & GENERALL Assembly of all the Sum and Sums of mony which have arisen by Virtue of this Act. And if any part or parts thereof, Should be standing out at the End of the Said two Years, the Said Commissioners are farther Obligated to deliver a true list thereof to the Said Treasurer, and to pay unto him for the use aforesaid, all Such outstanding Debts as the Same Shall from time to time be received by them the said Commissioners, or either of them, and of all and Singular the Sum and Sums of money which the said Commissioners Shall receive by Virtue of this Act and pay unto the Treasurer in manner aforesaid, they Shall and may retain to and for their own use Seven and a half Pr Cent or eighteen pence on each pound so to be received and paid by them into the Treasury.

AND be it further Enacted by the Authority aforesaid, that if the above Named Commissioners or either of them Should refuse to Act or happen to Dye or remove during the Continuance of this Act, that then & in case of Such refusal Death or removal it Shall be Lawfull for his Excellency the Governour or the Governour or Commander in Chief for the time being, by and with the advice & Consent of the Council, to Nominate and appoint other Commissioners in the Stead and place of Such as might so refuse, Dye or remove as aforesaid. And the Person or Persons so to be Nominated and appointed Shall in all respects have the Same Powers and Authoritys and be Entituled to the Same, Fees & reward as are hereby given and allowed to the Commissioners herein Named. And Obligated to Enter into the like Recognizance and be under the Same Regulations & Restrictions, as those Named and appointed in this Act.

AND to the End the Mayor, Recorder & Aldermen of the City of Albany, or the Major part of them who are hereinbefore Authorized Directed and REQUIRED to let to Farm the Dutys Imposed by this Act, may do the Same to the best advantage. Be it Enacted by the Authority aforesaid, That the Said Mayor, Recorder and Aldermen or the Major part of them, Shall in the most Publick manner begin to set up the Farming of the Said Dutys on the aforesaid eighth day of July next ensuing, Not Sooner

than the hour of Eleven of the Clock in the forenoon of that day, & not Close up or Conclude the Same untill one hour after they Shall begin to Set the Same to Farm, as well for giving Sufficient time to all bidders, as for raising the said Farming to the highest Sume. And if the Said Mayor Recorder and Aldermen, or Such of them who undertake to put the aforesaid Dutys up to Farm, Shall Act Contrary to the directions, true intent and meaning of this Clause, he or they so offending Shall Respectively forfeit to his Majesty the Sum of One Hundred Pounds Current money of this Colony to be recovered and applyed in manner aforesaid.

AND be it further Enacted by the Authority aforesaid, that this Act and every Clause therein contained, Shall continue and be of Force from the said eighth day of July in this present Year one thousand Seven hundred and twenty Six, untill the Eighth day of July, which will be in the Year one thousand Seven hundred and twenty Eight.

AND Whereas in and by an Act of the Generall Assembly Entituled an Act to revive and Continue the Severall Acts therein mentioned, Relating to the prohibiting of Selling Indian goods to the French and for promoting the Trade with the remote nations of Indians during the time therein mentioned, and for recovery of Such Penaltys as are directed by the Said Acts passed in the twelfth Year of his Majestys Reign, it was among other things Enacted, That an Act of the Generall Assembly Entituled an Act for the ENCOURAGEMENT of the Indian Trade & Rendering it more beneficial for the Inhabitants of this Province and for prohibiting the Selling of Indian goods to the French, passed in the Seventh Year of his present Majestys Reign as also one other act Entituled an Act for the further and more Effectual Prohibiting of the Selling Indian Goods to the French with Some alterations, passed in the eighth Year of his Majestys Reign Should be in full force and Virtue untill the End of this present Sessions of the Generall Assembly, and whereas it was more over Enacted by the said first mentioned Act not only to Subject and make Lyable all Persons having offended against the true Intent and meaning of the other two Acts to the payment of the fines. forfeitures and Penaltys therein contained, but also to Subject all Such as Should Contravene the Intent & Directions of the aforesaid two last mentioned Acts to a farther Sum of two hundred pounds to be recovered and applyed as in and by the Said

Acts was directed, as in and by the aforesaid Acts Relation, being thereunto had may more fully and at large appear.

AND Whereas the Generall Assembly taking into Consideration of the one hand, that the Persons having offended against the aforementioned Acts would be exempted from the fines forfeitures and penaltys incurred by the Same Acts, unless it be otherwise provided for in this Sessions, and of the other hand that Some Persons have only offended in a Small degree, and rather by the example of Others then out of a real design either to Trade with the French or to Act in contempt of the Acts aforesaid, are therefore Inclined to aleviate and proportion the Said fines and penaltys according to the Degrees in which they conceive the said Offenders have been Culpable whereby they believe the publick will receive some certain and Imediate bennifit and the Said OFFENDERS at the Same time put in a Capacity to pay the Same, the Said Generall Assembly do therefore pray it may be Enacted and be Enacted by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same, in manner and form following That is to Say. That all and every Person or Persons who have acted contrary to the directions true intent and meaning of the aforesaid Acts or any of them by Trading with the French to the Westward for any of the Goods prohibited in the said Acts and Shall Voluntarily pay or cause to be paid unto the Treasurer of this Colony the Sum of thirty pounds within Six Months after the Publication of this Act, every Such Offender paying or causing to be paid the Said Sum within the time above limited, Shall thereupon and from thenceforward be released exonerated & Discharged of and from all or any other greater fine or forfeiture mentioned in the Said Acts or any of them anything therein contained to the contrary notwithstanding. And that all and every Person or Persons who have acted contrary to the directions true intent and meaning of the aforesaid Acts any or either of them by trading with the French, or with any other Person in their behalf to the Northward of the City of Albany for any of the Goods prohibited by the aforementioned Acts or any of them and Shall Voluntarily pay or cause to be paid into the Treasurer of this Colony within Six Months after the Publication of this Act the Sum of one hundred pounds Current money of this Colony, Every Such Offender paying or causing to be paid the Said Sum within the time above limited Shall thereupon and from thenceforward be released

Exonerated and discharged of & from all or any other greater fine or forfeiture mentioned in the Said Acts or any of them any thing therein contained to the contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, That all Such of the Offenders above mentioned whether they have transgressed to the Westward or Northward of the City of Albany Contrary to the Direction true intent and meaning of the aforementioned Acts, or either of them as Shall not bona fide & actually pay or Cause to be paid into the Treasury the respective Sums aforementioned within the time hereby limited Each and every of Such Offenders Omitting or neglecting the said payment within the time aforesaid Shall be utterly debarred & precluded of the concession hereby Intended in their favour.

AND for that End all and every the Clauses Articles and things in all or either of the Said Acts contained relating to the fines, forfeitures and penaltys therein mentioned are hereby declared and Enacted to be and remain in full force and Virtue from the Publication of this Act for and during the continuance thereof with this restriction however, that the Execution of all or any of the Said Clauses Shall be respited until the Six Months are Expired which are hereby allowed to the Offenders aforesaid for their free and Voluntary payment of the respective Sums by this Act conceded unto such of them as shall so as aforesaid pay the Same, Provided always & it is hereby declared to be the true intent & meaning, that Such Person or Persons as have trespassed against the said Acts by trading contrary to the tenour thereof, both to the Westward and Northward, since they cleared themselves by taking the oath or making payment as in the Said Act or Acts is directed Shall pay the respective Sums of thirty pounds and of one hundred pounds within the time above limited, before he she or they shall reap the full Bennifit of the consession hereby made & intended in favour of Such Offenders, But after the Expiration of Six Months allowed for the paym't thereof in manner as aforesaid all and every the aforementioned Clauses Articles and THINGS in the aforesaid Acts mentioned, relating to the fines forfeitures & penaltys therein contained, are then to be put in Execution with the utmost severity against all & every of Such (and only Such) of the said Offenders as shall not at or before that time have actually Exonorated and discharged him her or themselves Respectively in manner and form herein beforementioned which said fines forfeitures and Penaltys are then to be recovered

to the extent of and from Such of the said Offenders as Shall omit or delay the payment thereof within the time hereby allowed for that purpose by Such ways and means as are prescribed and directed in and by the beforementioned Acts or by any or either of them, in the Same manner as if all those Acts had originally been Enacted to have been in force untill the said eighth day of July which will be in the year one thousand Seven hundred and twenty eight any thing in them or either of them or in this present Act to the contrary thereof in any wise notwithstanding. But as for and Concerning all Such other Clauses in all or any of the afore-mentioned Acts relating to the prohibiting of a Trade with the French and for promoting a Trade with the remote Nations of Indians, the Same and every Clause and Article relating thereto are hereby Declared to be and remain of full force and Virtue untill the Said Eighth day of July in this present Year one thousand Seven hundred and twenty Six and after that time the Said last mentioned Clauses shall cease determine and become utterly avoid.

AND be it further Enacted by the Authority aforesaid, that of all the Sum and Sums of money which the Treasurer of this Colony Shall receive & pay by Virtue of this Act, it Shall and may be Lawfull for him to retain in his own hands the Sum Nine pence on every pound as a reward for his trouble in receiving & PAYING the Same and for keeping Books and accompts thereof. And the said Treasurer is hereby Obligated to Render true and perfects accompts upon Oath of his Said receipts & payments Respectively to the Governour Council and Generall Assembly when by them or either of them thereunto required.

AND Whereas it is possible That some Person or Persons having more at heart their private gain then the Publick good may in the intervall or Space of time which will happen between the Publication of this Act and the Eighth day of July next ensuing at which time the Same is to commence Send Considerable Quantities of the Severall Sorts of Goods whereon a Duty is Imposed by this Act both to the Northward and Westward of the City of Albany, in expectation of Saving the Dutys thereof. And for asmuch as Such a presumption ought to be discouraged in a particular manner Be it Enacted by the Authority aforesaid, That all Such of the Severall Goods made Dutyable by this Act, as Shall be Sent carryed or transported to the Westward or Northward of the Said City of Albany after the Publi-

cation of this act and before the Said Eighth day of July next Inclusive Shall be Subject and liable to pay for the Same and for every part thereof double the Duty Imposed thereon Respectively by this Act And to the End the Said double duty may Effectually be Secured and recovered, Be it also Enacted by the Same Authority that it Shall and may be Lawfull for the Farmers or for the Commissioners aforesaid (under whose management the Dutys aforesaid Shall happen to fall) Shall have full Power and Authority to Summon and call before the Mayor Recorder or Aldermen in the City of Albany or before any Justice of the Peace in that County any Person or Persons who they Shall have reason to Suspect to HAVE Sent Carryed or transported any of the Goods aforesaid between the Intervall above mentioned, and Such Person or Persons Shall then and there declare upon Oath (which Oath the Said Mayor Recorder Aldermen or Justices of the Peace are hereby Authorized and required to Administer) what Quantity of the aforesaid Dutyable Goods he has Sent carryed or transported either to the Westward or Northward of the Said City of Albany in the Intervall abovementioned and of Such part or parts of the Said Dutyable Goods as Shall upon Such Oath appear to have been Sent Carryed or transported in manner as aforesaid he She or they are to pay or secure to pay for the Same double the Dutys Imposed by this Act, and if Such Person or Persons Shall upon Such Oath so to be taken as aforesaid declare to have Sent Carryed or transported none of the Said Dutyable Goods within the time above mentioned he Shall in that respect be clear and acquitted of the Said double dutys. But if Such Person or Persons as Shall so be Summoned or called before the Said Mayor Recorder Aldermen or Justice of the Peace Shall refuse to take Such Oath as is before directed he she or they so refusing to take the Same Shall forfeit to his Majesty the Sum of one hundred pounds to be recovered in manner aforesaid all which double Dutys and the forfeitures abovementioned Shall be paid into the Treasury and applyed in manner following that is to Say one half thereof to his Majesty his Heires and Successors to and for Such use & uses as the Governour Council & Generall Assembly Shall hereafter think fit & the other half to the Said Farmers or to the Said Commissioners or to any other Person or Persons that Shall Sue for & Recover the Same.

[CHAPTER 470.]

[Chapter 470, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. See chapter 464. Expired July 1, 1728. Continued by chapter 509.]

An Act for the further Continuing the Currency of Bills of Credit Struck & Issued in the Year one thousand Seven hunderd and Twenty to the Value of five thousand Ounces of Plate untill the first Day of July which will be in the Year one thousand Seven hundred and twenty eight.

[Passed, June 17, 1726.]

WHEREAS Bills of Credit to the Value of five thousand ounces of Plate Struck and Issued by Virtue of an Act of the Generall Assembly Entituled an Act for a Supply to be granted to his Majesty for Suporting his Government in the Province of New York during the time therein mentioned and for repealing one Act of the Generall Assembly of this Province Entituled an Act for a suply to be granted to his Majesty for Suporting his Government in the Province of New York from the first day of July which Shall be in the Year of our Lord one thousand Seven hundred and twenty untill the first day of July one thousand Seven hundred and twenty one passed in the Seventh Year of his present Majestys Reign where one Other Act passed in the twelfth Year of his said Majesty Reign Entituled an Act for Continuing Bills of Credit Struck & Issued in the Year one thousand Seven hundred & twenty to the Value of five thousand Ounces of Plate to be Currrent untill the first day of July which will be in the Year one thousand Seven hundred and twenty Seven Enacted to Continue and remain Current untill the Said first day of July one thousand Seven hundred and twenty Seven, as in and by the Said last mentioned Act relation being thereunto had may more fully and at large appear

AND for as much as Some difficultys might arise in Case the GENERALL Assembly might not meet or provide means for the effectuall sinking and Cancelling the Bills of Credit aforesaid before the time in the last mentioned Act limited for the Currency thereof. Be it Enacted by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the

Authority of the Same, That the aforementioned Bills of Credit to the Value of five thousand Ounces of Plate Struck and Issued in the Year one thousand Seven hundred and twenty as aforesaid Shall Continue & remain Current in this Colony in all payments and in the Treasury untill the first day of July which will be in the Year one thousand Seven hundred and twenty Eight any thing in the before mentioned two Acts or either of them to the contrary thereof in any wise notwithstanding

[CHAPTER 471.]

[Chapter 471, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. See chapter 459. Continued by chapter 536.]

An Act to Continue an Act entituled an Act for the further Laying out Regulating and better Clearing Publick Highways in the County of Suffolk for the Time therein mentioned.

[Passed, June 17, 1726.]

WHEREAS an Act, entituled an Act for the further Laying out, Regulating and better Clearing Publick Highways in the County of Suffolk, pass'd in the Tenth Year of His Majesties Reign, will Expire by its owne Limitation in the Twenty fourth Day of July in this present year One Thousand Seven Hundred & Twenty Six. And the same having been found by Experience to be very Useful and Beneficial in the said County. BE it Enacted by his Excellency the Governour Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, entituled, an Act for the further Laying out Regulating and better Clearing Publick Highways in the County of Suffolk, Pass'd in the Tenth Year of His Ma'tys Reign as aforesaid, shall be & hereby is Enacted to be of force, from and after the Said Twenty fourth Day of July, next Ensuing, until the Twenty fourth Day of July, which will be in the Year of our Lord Christ One Thosuannd Seven Hundred & Twenty Nine, in as full & ample Manner to all Intents Construc-tions and Purposes, as if the Said Act and every Article Clause and thing therein Contained had perticularly and at Large been Incerted in the Body of this Act.

[CHAPTER 472.]

[Chapter 472, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 320. See chapter 359. Continued by chapter 596.]

An Act for reviving an Act entituled an
Act for Encouraging the Returning of Neat
Cattle and Sheep to their Owners

[Passed, June 17, 1726.]

BE it Enacted by the Governour Council and General Assembly, & it is hereby Enacted by the Authority of the Same, That an Act entituled an Act for Encouraging the returning of Neat Cattle and Sheep to their owners, Pass'd in the fourth Year of the Reign of his present Ma'ty King George, Expired by its own Limittation, Shall be Revived and Continue in force, from the Publication hereof, untill the first Day of November, which will be in the year of our Lord One Thousand Seven Hundred and Thirty three.

[CHAPTER 473.]

[Chapter 473, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 320. See chapter 352. Expired November 1, 1733. In the minutes of the Council (see Journal of Legislative Council, p. 536) this act has a longer title, including a continuance of the act in relation to committing of waste and trespass by tenants, which is chapter 451, ante.]

An Act for Reviving an Act entituled an
Act to prevent Small Stallions running at
large and to Geld all Horses under the Size
therein mentioned.

[Passed, June 17, 1726.]

BE it Enacted by the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act, entituled an Act to prevent Small Stallions running at large, and to Geld all Horses under the Size therein mentioned, Passed, in the fourth Year of the Reign of his present Ma'ty King George, Expired by its own Limitation, Shall be Revived and Continue in Force; from the Publication hereof, untill the first day of November, which Shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty three.

AND be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull, for any Person or Persons in the County of West Chester, Kings County, Queens County and Suf-

folk County, to Geld Small Stallions Running at large within any of the said County's (being under the Size mentioned in the Said Act) of the Age of two years, or upwards, Provided that in all other matters, touching the Same, all & every the Directions, shall be observed and Comply'd with, which are contain'd in the first mention'd Act & during the Continuance of this present Act.

[CHAPTER 474.]

[Chapter 474, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 321. See chapter 398. Continued by chapter 595.]

An Act for the further continuing an Act,
entituled an Act for the Encouragement of
Whaling.

[Passed, June 17, 1726.]

BE it Enacted by the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, that one Act of General Assembly, entituled an Act for the Encouragement of Whaling, Pass'd in the Seventh Year of the reign of her late Ma'ty Queen Anne of Glorious Memory, expir'd by its own Limittacon and continued by one other Act, pass'd in the Seventh Year of his present Maty's Reign, entituled an Act, for continuing an Act, entituled an Act for the Encouragement of Whaling, which last mentioned Act, will also Expire the first Day of December in this present Year, One Thousand Seven Hundred and Twenty Six, shall be and remain of Force, from and after the Said first Day of December next untill the first day of December, which Shall be in the Year of our Lord One Thousand Seven Hundred and Thirty three and no Longer.

[CHAPTER 475.]

[Chapter 475, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. See chapter 343. Continued and altered by chapter 503.]

An Act for Reviving an Act entituled an
Act for Regulating the Ferry between the
City of New York and Island Nassau.

[Passed, June 17, 1726.]

BE it Enacted by the Governor Council and General Assembly and it is hereby Enacted by the Authority of the Same; That an Act entituled an Act for Regulating the Ferry between the City

of New York, and the Island Nassau, made in the fourth Year of the Reign of our Sovereign Lord George, Expired by its own Limitation, Shall be Revived and continued in Force from the Publication hereof untill the Twelfth Day of June, which Shalbe in the Year of our Lord, One Thousand Seven Hundred and Twenty Eight.

[CHAPTER 476.]

[Chapter 476, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Peter DeLage, John Zenger, Paulus De Scer, Nicholaus Jaboiën, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus van Taerlingh, Matthias Borrell, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the Wife of Daniel Bonticou, Pierre Elizee Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Ballereaus the Wife of James Ballereaux & Gerrit Cornelissen.

[Passed, June 17, 1726.]

WHEREAS Peter De Lage, John Zenger, Paulus De Scer, Nicholaus Jaboiën, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus van Taerlingh, Matthias Borrell, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizee Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Ballareaux, the wife of James Ballareaux and Gerrit Cornelissen, have by their humble petitions, to the General Assembly of the Colony of New York Desired that they may respectively be Naturalized and become his Majesties Liege Subjects within the Said Colony.

Be it Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the Said Peter De Lage, John Zenger, Paulus De Scer, Nicholaus Jaboiën, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus Van Taerlingh, Matthias Borrell, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizee Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Ballareaux the Wife of James Ballereaux and Gerrit Cornilissen & each and every of them shall be and are hereby Declared to be Naturalized to All

Intents Constructions & Purposes whatsoever and from henceforth and at all times hereafter, shall be entituled to have and enjoy all the Rights, Libertys, Priviledges and Advantages which his Ma'tys Natural born Subjects in the said Colony, ought to have and enjoy, as fully to all Intents Constructions and purposes whatsoever, as if the said Peter DeLage, John Zenger, Paulus DeScer, Nicholaus Jaboiën, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus Van Taerlingh, Matthias Borrell, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizie Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Ballareaux the Wife of James Ballareaux and Gerrit Cornelissen and each and every of them had been born within this his Majesties Colony of New York. PROVIDED always and it is hereby Enacted, That the said Peter DeLage, John Zenger, Paulus de Scer, Nicholaus Jaboiën, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus Van Taerlingh, Matthias Borell, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizee Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Balleraux the wife of James Ballareaux and Gerrit Cornelissen shall respectively take the Oaths appointed by Law Instead of the Oaths of Allegiance and Supremacy, Subscribe the Test and make repeat and Swear to and Subscribe the abjuration Oath in any of his Majesties Courts in this Colony, which said Courts, are hereby required, upon application to them made, to Administer the Same and take Subscriptions & Causes the Name or Names of the Person or Persons So Swearing and Subscribing to be entred upon Record in the Said Court, for which each and every of the Said Persons are hereby required to Pay in Current money of the Said Colony, the Several Sums hereunder mentioned That is to Say, To the Speaker of the House of Representatives, Ten Shillings, to the Judge of the Court, Six Shillings, and to the Clerk three Shillings.

And be it further Enacted by the Authority aforesaid, That if all or any of the Said Persons, having so Sworn and Subscribed as aforesaid, Shall and do Demand a Certificate or Certificates of his being entered upon Record in manner aforesaid, the said Courts are hereby Directed and required to Grant the Same under the hand of the Judge and Seal of the Said Court or Courts, in which the said Peter De Lage, John Zenger, Paulus De Scer, Nicholaus Jaboiën, Abraham Rodregos Revera, Abraham Carcas, Nicholaus Van Taerlingh, Matthias Borrel, Johannes Roorbagh,

Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizie Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Bellereaux the wife of James Ballareaux and Gerrit Cornelissen or any of them, shall so Swear and Subscribe as aforesaid, Counter Signed by the Clerk of the said Court or Courts, for which Certificate the Person or Persons requiring the same, shall pay over & above ye Sums before mentioned, Six Shillings, one half to the Judge of the Said Court or Courts, and the other half to the Clerk thereof, which Said Certificate or Certificates shall at all times be a Sufficient Proof of the Said person or Persons being Naturalized by this Act, in as full & Effectual a Manner, is if the Record aforesaid was Actually produced by the Said Peter De Lage, John Zenger, Paulus DeScer, Nicholaus Jaboien, Abraham Rodregos Rivera, Abraham Carcas, Nicholaus Van Taerlingh, Matthias Borrel, Johannes Roorbagh, Johannes Lashier, Louis Sacombel, Marianne the wife of Daniel Bonticou, Pierre Elizee Gallaudet, John Dragaud, Michel Berthon, William Crolges, Jean Ballareaux the wife of James Ballareaux and Gerrit Cornelissen or by any of them.

[CHAPTER 477.]

[No law is inserted under this chapter number, and it is merely inserted here to preserve uniformity with Livingston & Smith and Van Schaack, by whom chapter 477 is omitted, apparently through an error of the printer.]

[CHAPTER 478.]

[Chapter 478, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. Expired June 17, 1729.]

An Act to prevent Damages done by Swine in the Neighbourhood of Surogtoga.

[Passed, June 17, 1726.]

WHEREAS Several Inhabitants within the Neighbourhood of Surogtoga in the County of Albany have by their Petition to the General Assembly, Complain'd of great Damages done there, by Swine permitted to Run at large, humbly pray'd the same may be remedied by a Law to be made for that purpose.

Be it therefore Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same, That from and after the first Day of July next ensuing no Swine Shall or may run at large, in Lanes Meadows, Common or Undivided Land, or within any Feilds or Inclosures, on any pretence

whatever from the South part of the place called the Dove Gatt and from thence Northward as far as the bounds of Surogtoga extends on both Sides of the River, and Such Person or Persons, who shall find any Swine Running at large as aforesaid, from and after the Said first day of July, in Lanes, Meadows, Comon or Undivided Lands or in Feilds or Inclosures within the said Neighbourhood, except the Feilds and Inclosures of the Owners of Such Swine, may Impound them and if no Publick Pound shall be Erected, Then it Shall and may be Lawful for the Person or Persons, finding Swine Running at large or at Liberty to make a Pound on his or their Land, and there keep Such Swine, and after Forty Eight Hours Notice given to the Owners of Such Swine who Shall pay for the first Offence Nine pence, Currant money of this Colony for each Swine so Pounded, to the Person who Shall Impound and keep them, and for every Offence after, three shillings in Manner aforesaid and in failure thereof, then it shall and may be Lawful for the Person or Persons, pounding such Swine, to expose the Same to open Sale to the highest Bidder, Publick notice being given three days before, and out of the money arising from Such Sale, to Deduct the Poundage and Charges, and the Overplus (if any be) to be returned to the Owner or Owners of Such Swine.

This Act to Continue for the Space of three Years and no longer.

[CHAPTER 479.]

[Chapter 479, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. Expired July 1, 1731. Provided for by chapter 565.]

An Act to provide Able Pilotes at Sandy hook and for the Port of New York.

[Passed, June 17, 1726.]

WHEREAS An Act Entituled an Act for Establishing Pilotage passed in the fourth Year of his present Majestys Reign is Expired by its own limitation and it being necessary to have proper and able Pilots appointed for the Conveniency and Security of the Navigation out of and into the Port of New York. Be it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same. That all and every Such Person or Persons as are or Shall be Nominated and appointed in and by Warrant or Warrants under the hand and Seal of his Excellency the Governour or the Governour

or Commander in Chief for the time being by and with the advice and Consent of his Majestys Council for this Colony Shall be the Pilot and Pilots for the Said Port of New York and at Sandy Hook and to and from those Places during the Continuance of this Act and Shall for their Services therein be Entitled to Such Aliowances & Pilotage as in Such Warrant or Warrants Shall be mentioned and Exprest, which are to be according to the Regulations already Established or hereafter to be Established by the Governour and Council

And be it further Enacted by the Same authority, that all and every the Pilot or Pilots to be authorized in manner aforesaid Shall before he or they take upon him or themselves the Charge of Pilotage enter into the Bond with Sufficient Surety to be approved of by the Governour and Council that they Shall from the DATE of their Respective Warrants and during the Continuance of this Act Keep an able Pilot Residing or being at or near Sandy Hook provided with a good and Sufficient Boat, fited with good tackle and Furniture to be ready at all times to go on board of any Ship or other Vessell which Shall be bound into Sandy Hook aforesaid and from thence unto the Said Port of New York.

AND be it further Enacted by the Authority aforesaid that all Such Person or Persons not being Authorized in the manner before mentioned or deputed by them, that Shall take upon him or them to Pilot any Ship or Vessell coming into or going out of the Said Port Shall forfeit and pay the Sum of three Pounds Current money of the Said Colony to be recovered before any Justices of Peace in the Colony aforesaid by any Person or Persons that will Sue and Prosecute for the Same One half thereof to his Majesty his Heires and Successors to be paid to the Treasurer of this Colony for the time being to be applyed towards the Support of this Government and the other half to the Persons Informing and prosecuting the Same in which the Oath of the Informer, or any other Persons Shall be Sufficient evidence to be Levied upon his or their goods and Chattles by Warrant from the Justice of the Peace before whom Such Information Shall be brought, directed to the High Sherriff of the City or County or Constable of the Town Ward or Precinct in which the Said Justice Shall Inhabit, who is hereby Authorized and required, to put the Same in Execution the Said Goods and Chattles to be Exposed to Sale to the Highest Bidder, the Forfeiture and reasonable Charges first Deducted the Overplus, if any be, Shall be returned to the Owner from whom the Goods & Chattles were taken.

PROVIDED always, That it Shall and may be lawfull for any Person or Persons to take under his Care and Charge to Pilot into or out of the Said Port any Ship or Vessell as often and when some able and Sufficient Persons appointed as aforesaid for that purpose, Shall not be ready at Sandy Point aforesaid, and at the Said Port of New York, to take on them the Charge of Piloting Such Ship or Vessell so requiring a Pilot as occasion may happen.

PROVIDED also that all Masters or Commanders of Ships or other Vessells bound into or out of the Ports aforesaid, who Shall Judge themselves Capable of Piloting the Vessell or Vessells so Commanded by them, Shall & may take that Charge upon him or themselves, without being Obligated to Imploy the Pilot or Pilots Authorized in manner aforesaid, or without being Liable to the forfeiture above mentioned.

This Act to Continue and be of force from the Publication thereof untill the first day of July which will be in the Year one Thousand Seven hundred and thirty one

[CHAPTER 480.]

[Chapter 480, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. Expired June 17, 1731.]

An Act To enable the Justices of the Peace of the City and County of Albany who reside within the Township of Schanegtade to Build Stocks And Pounds and for defraying Some Extraordinary Charges during the time therein mentioned.

[Passed, June 17, 1726.]

WHEREAS The Town and Township of Schanegtada have not the Means to build Stocks and Pounds and to defray some Extraordinary Charges annually accruing in the Said Township unless Enabled there to by an Act of the Generall Assembly, Be it therefore Enacted by his Excellency the Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the Same that for and during the Continuance of this Act Yearly and every Year a Sum not Exceeding the Sum of fifteen pounds Current money of New York be rated Assessed Levyed & Collected upon all and every ye Freeholders and Inhabitants of the Said Township of Schanegtade to be paid unto the Treasurer of the Said Township to be Annually Nominated and appointed for that purpose by the Justices aforesaid Yearly and every Year on

the Days and times hereinafter mentioned to be disposed of by Warrants under the hands and Seals of Such of the Justices of the Peace of the City and County of Albany as dwell and reside in the Said Township of Schanegtade or the Major part of them for and towards the building of Stocks making Pounds for Cattle & FOR Defraying Some Extraordinary Charges annually accruing in the Said Township and for the Service thereof as to the said Justices of the Peace or the Major part of them Shall Seem meet and for the more regular Assessing Levying and Collecting the Said Sum not exceeding the Sum of fifteen pounds annually during the Continuance of this Act. Be it Enacted by the Authority aforesaid that the Said Justices of the Peace or the Major part of them do on the Second Tuesday in the month of August in every Year during the Continuance of this Act Assemble and meet together at Such Place or Places within the Said Towns as unto them Shall Seem meet and Shall there Order the Assessors and Collectors of the Said Town Ship for the time being Respectively by Warrants under their hands and Seals to Assess Levy and Collect of and from the Said Freeholders and Inhabitants the Sum and Sums of money Yearly and every Year Intended to be raised by Virtue of this Act. And be it further Enacted by the Authority aforesaid that the Said Justices of the Peace or the Major part of them are hereby fully authorized and Empowered to Administer an Oath to the Said Assessors well and truly equally Impartially and in due proportion as it Shall appear to them according to their best understanding to Assess and rate the Estates Real and Personell of all and every the Freeholders and Inhabitants of the Said Township and the Said Assessors for the time being are hereby required to make Such Assessment Yearly and every Year during the Continuance of this Act and return the Same unto the Said Justices or the Major part of them under their hands on or before every first TUESDAY in the month of October in every of the Said Years & thereupon the Said Justices or the Major part of them are hereby directed and Empowered to order the respective Collectors of the Said Township to Collect and receive the Sum & Sums of money so yearly Assessed in manner aforesaid on the Freeholders & Inhabitants of the Said Township of Schanegtade so that the Same be Yearly & every Year during the Continuance of this Act by the Collectors aforesaid paid into the Treasurer of the Said Township on or before the first Tuesday in the Month of Novemb'r during the Continuance of this Act to be afterwards disposed of in manner afores'd

And be it further Enacted by the Same Authority that if any Assessor or Collector appointed for the Execution of this Act Shall deny or refuse to Execute the Same he or they Shall respectively forfeit unto our Sovereign Lord the King the Sum of five Pounds for Such his refusall or neglect to be recovered in any of his Majestys Courts of Judicature of this Colony By Bill plaint or Information wherein no Essoin Protection wager of Law or any more than one Imparliance Shall be admitted or allowed one half of which forfeiture to be applyed for the Support of this Government and the other half for the use of the Said Township

AND be it further Enacted by the Authority aforesaid that if any Freeholder or Inhabitants of the Said Township of Schanegtade Shall refuse neglect or delay to pay the Sum or Sums of money he Shall be Assessed for by Virtue of this Act upon the demand thereof to him made by the Collector of the Said Township for the time being that then it Shall and may be lawfull to and for the Said Collectors by Warrant under the hands and Seals of the Said JUSTICES or the Major part of them to Levy the Same by distress on the goods and Chattles of the Person or Persons So refusing neglecting or delaying to pay the Sum or Sums of money he She or They Shall be Assessed for in manner aforesaid and the distress so taken to carry away and cause the Same to be Sold Publickly in the Said Town four days after Such distress made and out of the produce thereof deduct the Sum Assessed for and the Charges of the distress returning the over plus if any be forthwith to the Owner or Owners.

AND be it further Enacted by the Authority aforesaid that the Collector Shall be allowed for his trouble and pains in Collecting the money Imposed by this Act the Sum of nine pence on the pound and the Treasurer for his Receiving and paying the Same the Sum of Six pence on the Pound And this Act to Continue in force from the Publication thereof for the time of five Years thence next Ensuing & no longer.

[CHAPTER 481.]

[Chapter 481, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321.]

An Act to Enable the Mayor Aldermen
and Commonalty of the City of Albany to pay
for the materials & Workmanship of two
Block Houses

[Passed, June 17, 1726.]

IT being requisite that the Publick and necessary Debts of the City of Albany be Satisfied & Discharged, Be it Enacted by his

Excellency the Governour Councill and Generall Assembly of this Colony, & it is hereby Enacted by the Authority of the Same, that it Shall and may be Lawfull to and for the Mayor, Recorder, Aldermen and Commonalty of the Said City of Albany for the time being, and they are hereby fully Authorized and Impowered to Order the Assessing and Levying, on the Estates Real & Personal of all the Freeholders Inhabitants & Sojourners of and in the Said City, Such Sum & Sums of money not Exceeding the Sum of Sixty five pounds Current money of the Province of New York as they Shall Judge necessary for defraying and paying for the Materials and workmanship of two Block Houses Built in the Said City in the Year one thousand Seven hundred & twenty five.

AND be it further Enacted by the Authority aforesaid, That for defraying and paying for the Materials and Workmanship of the Said two Block Houses, there be Raised, Levyed, Collected and paid by the Freeholders Inhabitants and Residents of and in the said City, the Said Sum of Sixty five pounds which Sum is to be Raised, Levyed, Collected, paid and Disposed of for the use aforesaid, in Such way and in like manner & under Such pains and forfeitures and under Such Regulations and directions as are mentioned and Expressed in and by one Act Entituled an Act to Enable the Mayor Aldermen & Commonalty of the CITY of Albany to defray the Publick and necessary Charge of the Said City passed in the Tenth Year of his present Majestys Reign any Law usage or Custom to the Contrary in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, That there Shall be Assessed, Raised, Levyed and Collected over & above the Sum of Sixty five pounds aforesaid, the Sum of fifteen pence on each pound, nine pence thereof on each pound to be retained by the Collector, as a reward for his trouble in Collecting and pay the Same, and Six pence on each pound to be paid to the Treasurer of the Said City and by him retained as a Reward for his Service in receiving, paying & keeping accounts of the Same.

[CHAPTER 482.]

[Chapter 482, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Bradford, 1732 ed., p. 321. Revived by chapter 579.]

An Act to prevent the Seting on fire or
burning the Old Grass on Hemstead Plains.

[Passed, June 17, 1726.]

WHEREAS that large tract of Ground in Queens County upon Nassau Island belonging to the Townships of Hemstead and

Oysterbay commonly known and Called by the Name of Hemstead Plains, hath been used and Injoyed by the Inhabitants of the Said Township, time out of mind as a Common of Pasture appendant to the Said Townships and hath been found by long Experience to be very usefull, profittable and Commodious to the Said Inhabitants for that purpose, but more especially so in the Spring and Summer Seasons of the Year. And Whereas the old grass and Herbage that commonly remains uneat by the Cattle all the Winter upon the Said Plains being dry and Saples, in the beginning of the Spring is usually about the middle of the Month of March or the beginning of Aprill Yearly Set on fire and burnt by Some of the adjasent Inhabitants to the end and Intent (as is commonly pretended) that the young Grass then begining to Spring may have the quicker Growth, but is likewise often found to be so Set on fire by Severall of the Inhabitants thro' folly and the gratification of their own Wanton Tempers and Humours. And forasmuch as the Seting on fire and burning the Said Old Grass and Herbage in Such time & manner is found by Experience to be very pernitious and hurtfull to the Said Plains by Impoverising the Soil destroying the Roots of the grass and very much disposing the Ground in process of time to Barrenness the Said Plains being Evidently observed of late Years to decline very much in its feed and Pasturage and not to yield any Such quantitys or burdens of Grass as formerly it did when the Old Grass was not burnt as now it is Annually. AND WHEREAS also the Said Old Grass on the Plains doth often likewise git on fire by means of the Woods and other Lands contiguous and adjoyning thereto, being Set on fire in the Spring time in the same manner and with the like Intent, purposes & Views as the plains are set on fire the said wood Lands being commonly over spread with dry leaves and other Combustible matter at that time of the Year, for the prevention therefore of Such an ill & useless practice for the future, and for the better preservation of both the Soil and Grass of the Said Plains, Be it Enacted by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same that from and after the Publication of this Act all or any Persons or Persons who Shall wilfully Set on fire the dry grass or Herbage Standing, growing, lying or being upon the Said Hemstead Plains or that Shall wilfully Set on fire the fallen leaves or other Combustible maters in the adjacent or contiguous woods or other Lands whereby the Said Plains Shall so git on fire and be burnt

as aforesaid, Such Person or Persons Shall forfeit the Sum of ten pounds Current money of this Province of New York each for every Such Offence the one half thereof to the Poor of the Parish where the Offence Shall be committed, and the other half to the Person that Shall prosecute the Party or Partys offending in the premises to effect the Conviction to be by the Oath or Oaths of any one lawfull Witness or more and the prosecution to be in any Court of Record within this Province, by any proper & legal process, Bill plaint or information where no Essoin protection or wager of Law Shall be allowed. AND be it further Enacted by the Authority aforesaid that in case of the Said Plains being Set on fire as aforesaid or otherwise or in Case of any fire being in the adjacent woods or other Lands as aforesaid whereby the Plains may be in danger of BEING burnt then the Persons hereinafter named to wit Capt John Tredwell, Mr James Jackson, Mr. William Cornwell, Nathaniel Seaman, Benjamin Seaman Jun'r, Obadiah Volentine Thomas Williams, Peter Titus, Henry Willis, John Pratt, Nathaniel Townsend, Jeremiah Robins, Thomas Powel, Samuel Jackson, Thomas Seaman, John Mott, John Mott Jun'r, John Whitson, John Birdsoll, John Tredwell Jun'r James Burtis and Kaleb Carman or any one or more of them dwelling or being near to the part or parts of the Said Plans or adjacent woods so set on fire is and are hereby fully and absolutely authorized & impowered upon View or Information of Such fire to require and Command all or any of the Neighbouring and adjacent Inhabitants to aid and assist them, the said Partys or either or any of them as Shall happen to be near unto or discover the Said fire as aforesaid in extinguishing and puting out of the Same with all possible Care and deligence and all or any Person or Persons that Shall (without a Lawfull Excuse or Impediment) refuse neglect or delay to help and assist the Said Partys hereby impowered or either or any of them so requiring or commanding as aforesaid to extinguish the Said fires as aforesaid Shall forfeit the Sum of five Shillings, Current money of this Province Each for every Such refusal Delay or neglect to be recovered and disposed of as aforesaid.

This Act to be in force for the Space of five Years next after the Publication hereof and no longer.

[CHAPTER 483.]

[Chapter 483, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. See chapter 370. Expired July 1, 1733.]

An Act to Continue an Act Entituled an Act for regulating Slaves and to Subject Such Persons as Trade with them to a presentment and prosecution.

[Passed, June 17, 1726.]

WHEREAS an Act Entituled an Act for regulating Slaves passed in the first Year of her late Majestys Reign was revived for the term of Seven Years by one other Act passed in the fourth Year of her Said Majestys Reign, and in the fifth Year of his present Majestys Reign was revived and Enacted to be of force untill the first day of July in this present Year one thousand Seven hundred and twenty Six.

AND Whereas the Said Act has by Experience been found very beneficial Be it Enacted by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same that the beforementioned Act Entituled an Act for Regulating Slaves passed in the first Year of her late Majestys Reign as aforesaid Shall be & hereby is revived and Continued in full force and Virtue and every Article clause and thing therein Contained from and after the Said first day of July next Ensuing untill the first day of July which will be in the Year of our Lord Christ one thousand Seven hundred and thirty three any thing to the Contrary hereof in any wise Notwithstanding.

AND Whereas Severall Ill Disposed People are in a great measure Encouraged to Trade with Slaves because the aforesaid Act Subjects them only to treble the Value of the thing Traded for & the Sum of five pounds to the Master or Mistress of Such Slave, Be it therefore Enacted by the Authority aforesaid that all and every Person OR Persons who Shall presume from and after the Publication of this Act and during the Continuance thereof to Trade with any Slave or Slaves either in buying or Selling Goods of any Kind without leave Consent and approbation of his or their Master or Mistress he She or they so Trading with any Slave or Slaves Shall be Subject and Lyable to a Presentment of the Grand Jurors for our Sovereign Lord the King in the City or County where Such Offence or Offences Shall be Comitted & to a

Prosecution to be made thereupon in any of his Majestys Court or Courts where the Case Shall happen and upon Conviction to pay Such fine Cost and Charges as in the Discretion of Such Court or Courts Shall be adjudged any Law usage or Custom to the Contrary in any wise notwithstanding.

[CHAPTER 484.]

[Chapter 484, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Expired June 17, 1736.]

An Act to entitle Lovis Hector Piot De Langloiserie to the Sole Fishery of Porpoises in the Province of New York during the Term of Ten Years.

[Passed, June 17, 1726.]

WHEREAS the Fishery of Porpoises will tend to the Benefit of Trade in this Colony and enable the Inhabitants thereof to make Considerable returns for great Britain by their own Industry. AND WHEREAS the said Lovis Hector Piot De Langloiserie by his Petition to the General Assembly of this Colony, has Set forth that by an Exact observation of the Methods Used and Practiced in other Countrys, he has obtained a perfect knowledge of Catching and Taking Porpoises in an Effectual manner. AND for his Encouragement humbly prayed that noe but he the Said Lovis Hector Piot De Langloiserie his Executors, Administrators and Assigns be permitted to carry on the Said Fishery in the Same Manner and Method as Shall be Used by the Petitioner for Such a Term of Years as the Said Assembly Should think meet. And it being Just and Reasonable that the Projector or Undertaker of Such a Fishery should be Encouraged therein, because the Success thereof will undoubtedly tend to the Benefit of the Province in General, and to the Undertaker in particular. BE it therefore Enacted by his Excellency the Governour Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, That no Person or Persons whatsoever from and after the Publication of this Act, shall Undertake or presume to Carry on the ffishery of Porpoises in the Same manner and Methods as the said Petitioner shall make Use off, in the Seas Harbours, Rivers and other Waters within this Colony for and during the Term of Ten Years, but he the said Lovis Hector Piot De Langloisere his Executors Administrators and Assigns to

whom only the Sole Benefit Proffit and Advantage Ariseing from the said Fishery of Porpoises in the Manner & Methods aforesaid Shall belong & Appertain SAVEING Nevertheless the Rights of His Majesty His Heires and Successors. AND BE IT FURTHER Enacted by the same Authority, That if any Person or Persons from and after the Publication of this Act, Shall undertake or Carry on the said Fishery in the Same Manner and Methods to be Used and Practiced by the said Lovis Hector Piot Le Langloiserie Contrary to the true Intent & meaning of this Act, He or they Shall Forfeit and Pay the Sum of Two Hundred Pounds Current money of this Colony of New York to be recovered in any Court of Judicature within the said Colony by Action of Debt, One Half thereof to his Ma'ty his Heirs and Successors and the other half to the Said Lovis Hector Piot De Langloiserie his Executors Administrators and Assigns, who Shall Sue for and Recover the Same. ALWAYS PROVIDED and be it further Enacted by the Authority aforesaid That in Case the Said Lovis Hector Piot De Langloiserie his Executors Administrators or Assigns do not within the time of Eighteen Months from the Publication hereof, put the said taking and Catching of Porpoises in Effectual practice and Execution or that he or they Shall afterwards Discontinue the Same for the Space of Two wholl Summer Seasons during the Continuance of this Act, Then it Shall and may be Lawfull for any other Person or Persons to Undertake and Carry on the Said Fishery without Incuring the Penalty mentioned in this Act, any thing therein Contained to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 485.]

[Chapter 485, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act To Impower and inable Walter Dongan Surviving Kinsman of Thomas late Earl of Lymerick and two Trustees with him therein Nominated to Sell Some part of his Estate for the payment of his Debts and dischargeing Some Incumbrances wherewith the Same Estate now Stands charged.

[Passed, June 17, 1726.]

WHEREAS Thomas late Earl of Lymerick (deceased) being Seized in his life time inffee of and in divers Lands Tenements and

Hereditaments Mannors messauges and Edificyes in the Province of New York in America, by Deed of Lease and Release bearing date the Eighteenth and Nineteenth days of November Anno Dom 1712, Did Convey unto Richard Barnewall and his Heires all the Lands Tenements and Hereditaments Mannors Messauges Salt meadow and Edificyes of him the Said Thomas Earl of Lymerick or wherein he had any Right Title or Interest in Possession Reversion Remainder or otherwise in the Province of New York or Elsewhere in America to the Severall uses and under the Severall Provisoos Limitations and Conditions in the Said Indenture of Release mentioned exprest and declared, Reserving to himself full Power to determine Annul make void Alter or change all or any the Estates Uses Trusts Intents Powers and Limitations by the Same Indenture mentioned declared and appointed, And also full Power to limitt appoint and declare New uses of all or any Part of the Said premises to any Person or Persons whatsoever AND WHEREAS the Said Thomas late Earl of Lymerick by Deed indented Quinquupartite bearing date the Ninth day of May Seventeen hundred and ffifteen made between the Said Thomas Earl of Lymerick by the Name of the Rt Hon'ble Thomas Earl of Lymerick in the Kingdom of Ireland of the first part, the Said Richard Barnewall by the Name of Richard Barnewall of Drakehill in the County of Essex Esq'r of the Second Part, John Dongan by the Name of John Dongan of New York in America Gent of the third Part, Thomas Dongan by the Name of Thomas Dongan of the City of London Gent of the ffourth Part and the Said Walter Dongan by the Name of Walter Dongan of New York aforesaid Gent of the ffifth Part, Revoked the Severall uses in and by the beforementioned Deed of Release limited and appointed, and by the Said Deed of Revocation He the Said Thomas Earl of Lymerick being willing to preserve uphold and ADVANCE the Name and ffamily of DONGAN and having noe Issue of his Own to continue the same therefore in Consideration of the Naturall Love and Affection He bore to his Kinsmen the Said John Dongan, Thomas Dongan and Walter Dongan Did Limitt New Uses of the Same Estate (Soc conveyed) to the Said John Thomas and Walter Dongan in three parts to be divided, the Dividend of each of them being Severally and distinctly limited to them for life with Remainders to their Several Sons in tailmale with cross Remainders to every of them, and also Did by the said Deed limit Remainders to the Said

Richard Barnewall and His Heires to Support and preserve the Severall Contingent Estates and uses thereby Limited from being defeated or destroyed, and in Case the Said John Thomas and Walter Dongan or their Severall Sons Should dye without Issue or Heires male Soe as they or their Issue fail of Sons and Heires male then all and Singular the premises thereby granted Should be to the use of Such Person and Persons and for Such Estate and Estates as the Said Thomas late Earl of Lymerick Should by will or any other Writing under his Hand and Seal limit and appoint AND WHEREAS The Said Thomas Earl of Lymerick together with the Said Richard Barnewall by an Instrument under their Hands and Seales bearing date the twenty third day of May One Thousand Seven hundred and ffifteen reciting the aforesaid Indenture Quinquupartite and also that Since the perfection thereof All the Partys to the Same had considered that there were Some Debts due and oweing from the Said Thomas Earl of Lymrick which would affect Some part of the Lands conveyed by the Said Deeds of Lease and Release to the Said Richard Barnewall, They the Said Thomas Earl of Lymerick and Richard Barnewall for the Discharge of the Said Debts and in Respect of the Said Deed Indented Quinquupartite which was only a voluntary Provision made by the Said Earl for his Said Kinsman and that it was requisite to pay off the Said Incumbrances for the benefitt of the Issue of the Said John Thomas and Walter Dongan Did constitute and appoint the Said John Thomas and Walter Dongan their true and Lawfull Attorneys for them and in their Names to Sign Seal and Execute one or more Conveyance or Conveyances of any Part or Parts of the Said Lands so limited in use to the Said John Thomas and Walter Dongan as aforesaid in which Conveyance they and every of them were to join according to their Severall and respective Rights and Titles to the Said Lands Tenements and Hereditaments PROVIDED That Such Conveyance did not exceed the Number of three hundred acres Out of the particular Estate or Dividend of each Singular party as aforesaid AND WHEREAS The Said John Dongan dyeing Soon after and being Survived by the Said Thomas and Walter They the Said Thomas and Walter in pursuance and by virtue of the Said Power of Attorney did Sell and convey Soe much of the Said Lands as thereby they had Power to doe nevertheless the moneys ariseing by Such Sale fell far Short of the Debts wherewith the Said Estate was incumbred AND

WHEREAS also before the makeing of the Same Deeds of Lease & Release first mentioned, He the Said Thomas Earl of Lymerick gave full Power to William Nicoll to lett and lease out all or any part of the Said Lands and premises afterwards So conveyed by him the Said Earl as aforesaid, By virtue of which Power He the Said William Nicoll had Lett great Parts of the said Lands and premises to Severall Persons for Ninety nine years or three lives reserving for Severall years next after the Commencement of the Terms, granted by the Said Nicoll to Severall of the Said Lessees, only a Pepper Corn annually, and for the Remainders of the Terms but very Small and inconsiderable Rents So that when the Said Thomas and Walter after the decease of John came into Possession of the Said Lands and depending wholly upon the Income of the Said Estate for their Maintenance and Support as was intended by the Said Settlement, found the greatest and best parts thereof So leased out as aforesaid by meanes whereof they the Said Thomas and Walter were under indispensable Necessityes to become indebted to Severall Persons within this Province of New York for their Support and maintenance the Income of the Said Estate not being near Sufficient to Answer the Ends intended by the Said Settlement AND WHEREAS also the Quittrents reserved out of the Said Lands yearly to the Crown (they the Said Thomas and Walter not being able to pay or discharge the Same out of the Income by reason of their Incapacitys as aforesaid) are in Arrear for many years past and now amount to a very large and Considerable Sum AND WHEREAS the Said Thomas Dongan is likewise lately dead And the Said Walter only hath him Survived And the Same Walter having together with His Said Brother Thomas in his life time at his Speciall Instance and Request and for his So'e and only proper Debt, Duty and Comon, become bound and obliged to Severall People in this province for the Payment of Severall considerable Debts & Sums of mony, And the Said Thomas being now dead without any Issue of his Own, and Leaving noe Estate anyways Sufficient to pay the Said Debts or help to discharge the OTHER Severall forementioned Incumbrances, the Said Walter by means thereof is Solely become lyeable and answerable for the Payment and Discharge of all the Said debts and Incumbrances, And he the Said Walter likewise having noe Estate of his own wherewith either to pay and Satisfye the Said Severall Debts and Incumbrances or discharge the Quittrents of the Said Lands Soe Settled which are due and payable for many

years past, he cannot be anyways able to extricate himself from his present great and pressing Difficultys without the Assistance of an Act of the Generall Assembly of this Province to Inable him to sell part of the Said Lands Soe Settled upon him as aforesaid in Tail, Neither hath he the Said Walter hitherto been nor is yet able to improve any part of the Said Estate Soe Settled for want mony and Necessaryes to carry on the Same, And altho' the Said Walter by the Death of his Said Brother Thomas and by virtue of the before recited Deed of Settlement is Solely possesst of all the Said Estate and the Profitts thereof, Yet the Yearly Income thereof is not Sufficient to discharge ever the Growing Interest of the Debts that are due the Rents of Lands in this Country being generally very low and inconsiderable AND fforasmuch as the said Debts doe dayly very greatly encrease by the Additions of Interest and the growing Quittrents payable to the Crown, and the Said Walter Dongan being now charged with a Wife and Sevenserall Male issue of his body lawfully begotten and likely to have a numernous Offspring AND Since it is Evident that the Said Walter and his ffamily without the Assistance of an Act of the Generall Assembly of this Province to inable him to dispose of Some Parts of Said Intailed Lands for the Payment of his Said Debts & Incumbrances will be in manifest danger to be utterly and inevitably ruined and undone and many of his Creditors, and Such of the Creditors of the Said Thomas Dongan deceased as the Said Walter is not bound nor answerable unto, be forever utterly defeated of their just and Lawfull Debts AND WHEREAS It hath appeared that the Said Walter before he Applyed to the Legislature of this Province for this present Act hath given publick and due Notifications of his Intentions herein at the Severall Parish Churches and other most publick places in the Severall Countys where the forementioned Lands & premises doe lye three Sundays Successively before this Act came into the Assembly in pursuance & Conformity to an Instruction from the Regency in his Majesties Name to his Excellency THE Governour of this Province dated at White Hall the twenty third day of July One thousand Seven hundred and twenty three, in relation to the passing of private Acts here. IT IS THEREFORE the Humble Suit of the Said Walter Dongan as well in behalf of Himself as of his Creditors and the Creditors of the Said Thomas Dongan deceased that it may be Enacted And BE IT ENACTED by his Excellency the Governour Councill and Generall Assembly And It is hereby Enacted by the Authority of the Same that for the

uses Intents and Purposes herein mentioned and exprest the Said Walter Dongan and two Trustees with him herein Nominated to witt Timothy Bagley of Oysterbay in Queens County Esq'r and Richard Floyd Jun'r of Brookhaven in the County of Suffolk Gent or any two of them whereof the Said Walter Dongan himself allways to be one, Shall be absolutely Impowered authorized and inabled and they the Said Walter Dongan Timothy Bagley and Richard Floyd Jun'r or any two of them whereof the Said Walter himself allways to be one, are hereby fully clearly and absolutely Authorized impowered and enabled to bargain Sell dispose of and convey unto all or any person or persons whatsoever a certain Part or Quantity of the Said Lands So Settled as aforesaid by the Said Thomas late Earl of Lymerick upon his Said three Kinsman John Thomas and Walter Dongan to witt A part or Quantity not exceeding three thousand acres thereof whether Situate lyeing and being upon Staten Island in the County of Richmond or in Queens County upon Nassau Island in this province of New York or in either any or each of the Said Countys AND BE IT ffurther ENACTED by the Authority aforesaid that All and every Person and persons Bodys politick and Corporate His her and their Heires Successors and Assigns unto whom the Said Walter Dongan Timothy Bagley and Richard Floyd Jun'r or any two of them as aforesaid, Shall convey all or any part or parts of the Said three thousand Acres of Land or that Shall purchase all or any part of the Same, Shall immediately after Such Sale purchase and Conveyance be Adjudged deemed and taken to be Seized of and in the Same and of and in every part and parcell thereof as in and of a good perfect and absolute Estate of Inheritance in ffee Simple to him her and them and his her and their Heires Successors and Assigns forever and may hold and Enjoy the Same ffree and clear and freely and clearly acquitted of and FROM all and every Estate or Estates use or uses Limitation or Limitations Remainder or Remainders Charges and Provisoes whatsoever had made or done in and by the Said Indenture Quinquupartite or any otherwise howsoever by any Act or thing had made or done by the Said Thomas Earl of Lymerick or any Person or Persons claiming by from or under him AND It is hereby ffurther ENACTED by the Authority aforesaid that all the moneys ariseing by the Sale of any part or parts of the Said three thousand acres of Land and premises So to be sold and disposed of as aforesaid Shall be applyed to and for the uses and purposes meant and intended by this Act and hereafter

expressed and mentioned and to and for no other use or purpose whatsoever AND BE IT further ENACTED by the Authority aforesaid that within fourteen days after the Publication of this Act there be Publick Advertisements Sett up and affixed at the most usuall and publick places in the City of New York by the Said Walter Dongan Timothy Bagley and Richard Floyd Jun'r or one of them that all and every person who have any just and Lawfull Debt or debts due from the Said Walter Dongan or the Said Thomas Dongan deceased, or either of them, or that have any thing due wherewith the aforesaid Lands and Reall Estate of the Said Earl of Lymerick So limited and conveyed as aforesaid to the Said John Thomas and Walter Dongan, is or are justly and legally chargeable, may bring in their Demands thereof to the Said Trustees Timothy Bagley and Richard Floyd Jun'r or to anyone of them within Six months after the putting up Such Advertisements and all the Demands which shall be brought in Pursuance thereof unto the Said Trustees and legally and justly due and chargeable on the Said Estate or upon the Said Thomas Dongan deceased and the Said Walter or on either or any of them, Shall be paid and Satisfyed together with the growing Interest thereof by them the Said Trustees out of the moneys arising by the Sale of the Said three thousand Acres of Land or out of Such part or parcell thereof as shall be Sold or disposed of by virtue of this Act AND that the moneys arising by Such Sale as aforesaid may be bona fide applyed to and for the Ends herein mentioned and according to the true Intent and meaning hereof BE IT ENACTED by the Authority aforesaid that all the monys which Shall arise and become due by the Sale as aforesaid of the before-mentioned three thousand Acres of Land or any part or parcell THEREOF and be paid as aforesaid to and received by the Said Trustees as aforesaid Shall by them the Same Trustees be applyed to and for the uses and Purposes herein aftermentioned and expressed and to and for no other Uses purposes or Ends whatsoever (that is to Say) first to and for the Payment and Discharge of the Quittrents due to the Kings Majestie on the Said Estate and next for the Discharge of all or any other Debts or Incumbrances that the Said Estate of the Said Earl of Lymerick So limited and conveyed as aforesaid to his Said Kinsman, is justly and legally chargeable with, and lastly to and for the payment discharge and Satisfaction of all the Severall Debts oweing by the Said Walter Dongan and by the Said Thomas Dongan his Brother in his life time, and yet unpaid, or by either or any of

them in manner as aforesaid together with the Interest due or to become due thereon and that then all the Residue of the Said moneys, if any there Shall be, ariseing in manner as aforesaid Shall be paid and delivered by the Said Trustees unto the above-named Walter Dongan the better to enable him to improve the Remainder of the Said Lands and premises Soe Settled upon him as aforesaid, The Said Trustees first deducting to themselves all Such reasonable charges and expences as they shall from time to time be at about the Sale of the Said three thousand acres of Land and premises or Such Part or Parcell thereof as Shall be actually Sold and disposed of to the Ends Purposes and intents as aforesaid by virtue of this Act AND in Case the Said Trustees Shall not dispose of and apply the Said moneys ariseing by the Sale of all or any of the Lands Soe to be disposed of as aforesaid and by them received, to the Ends & purposes as before exprest and Enacted, but Shall purloyn or convert the Same to their or either of their own proper use or uses, or to other uses purposes or Ends not herein or hereby Meant Intended or exprest THEN BE IT ENACTED That the Said Trustees Shall be lyeable and answerable out of their own proper Estates, for Soe much of the Said moneys ariseing by Such Sale, as they or any of them Shall soe receive, and not dispose of as is sett forth and exprest in this Act AND ffurther that it Shall and may be lawfull to and for the Severall Creditors of the Said Walter Dongan and Thomas Dongan and for the Said Walter Dongan himself to have their Respective Actions against them or any of them respectively for the Said moneys, that Shall So receive, and purloyn or keep back THE SAME. AND BE IT ffurther ENACTED by the Authority aforesaid that in case of the death or Removall of the Said Trustees Timothy Bagley and Richard Floyd Jun'r herein with the Said Walter Dongan constituted appointed and inabled as aforesaid, or of any one of them, or in case of their Refusall and Renunciation of the Power and Trust vested and reposed in them by virtue of this present Act, then His Excellency the present Governour of this province or any other Governour or Commander in Chief here for the time being may from time to time, under his hand and Seal upon due Application and Notice of Such death Removall or Renunciation as aforesaid Constitute nominate and appoint Such other Trustee or Trustees to act in the premises along and in Conjunction with the Said Walter Dongan as before is Exprest declared and Enacted, as to His Excellency or the Governour or

Commander in Cheif of this province for the time being with the approbation assent and good likeing of the Said Walter Dongan Shall Seen fitt proper and convenient. AND for the ffurther and better Corroboration of the Title of Such Person or Persons who Shall be Vendee or Vendees of All or any Part or Parts of the Said three thousand Acres of Land and premises appointed to be Sold by Virtue of this present Act as aforesaid BE IT ENACTED by the Authority aforesaid that All and every Person and Persons Bodys Politick or Corporate his her and their Heirs Successors and Assigns unto whom the Said Walter Dongan and the Said Trustees herein named or hereafter to be named by his Excellency the Governour as aforesaid or any two of them whereof the Said Walter himself allways to be one, Shall by virtue and in pursuance of this Act make any Sale or Conveyance of the Said three thousand Acres of Land, Shall upon Payment of the purchase mony to the Same Trustees as aforesaid HAVE hold and Enjoy the Said Lands with the Tenements Hereditaments and premises or Such Part or parts thereof as Shall be purchased by Such person or persons respectively, ffreed and discharged of and from all Claime Right Title or Interest of all or any of the Persons claimeing or that Shall or may Claime any Interest in the Same three thousand Acres of Land and premises or all or any Part thereof by Virtue of the Said Recited Deeds of Settlement or any Limitations Provisoos charge matter or thing therein respectively contained, but Shall Enjoy and keep the Same to them and their Heires and Assignes forever in ffee Simple, the Said recited Deeds of Settlement or any other Deed or writing touching or concerning the Said Lands and Reall Estate of the Said Earl of LYMERICK or any part of them made and Executed or caused to be made and Executed by the Said Earl in his lifetime and the Said Richard Barnewall or either or any of them in any wise notwithstanding PROVIDED allways that Nothing in this present Act before contained Shall be taken or construed to barr defeat alter or make void any Right of His Sacred Majestie his Heires or Successors or the Right of any Bodys Politick or Corporate or of any other Person or Persons whatsoever except that of the aforesaid Thomas late Earl of Lymerick and the Said Richard Barnewall their and each of their Heires and Assigns, and the Right of the Said John Dongan Thomas Dongan and Walter Dongan their and either or any of the Heirs of their Bodys or Heirs at Law Any thing in this Act before contained to the contrary Notwithstanding

PROVIDED Likewise that this act Shall be in fforce when it hath Received the Kings Royall Assent and Approbation, and not before

[CHAPTER 486.]

[Chapter 486, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Livingston & Smith and Van Schaack state that this act was confirmed by the crown, August 5, 1727.]

An Act to vest in Thomas Hicks of fflushing in Queen's County Gentleman in ffee Simple, certain Lotts of Land whereof he Stands seized, in the Township of fflushing in the Same County, in ffee Tail; and to enable him the said Thomas to sell and dispose of the same.

[Passed, June 17, 1726.]

WHEREAS Daniel Whitehead late of Jamaica in Queen's County Esq'r deceased, did by his last Will and Testam't bearing Date the Ninth day of December in the year of our Lord one thousand seven hundred and three, bequeath and devise unto his Grandson Whitehead Hicks second son of Thomas and Deborah Hicks, all his Lands and Meadows lying and being within the bounds and Township of fflushing (Excepting four twenty Acre Lotts given to his Son Thomas Whitehead) with the Appurtenances and Priviledges whatsoever to the Premises Appertaining, to have and to hold the said bequeathed Premises to him the s'd Whitehead Hicks and the Heirs of his body lawfully to be begotten, and the Reversion Thereof, for Lack of Such Issue, to his the said Daniel's Daughter Deborah and the heirs of her Body lawfully begotten or to be begotten, and for want of Such Issue, to his son Jonathan Whitehead, and the heirs of his Body lawfully begotten or to be begotten and for want of such Issue to Thomas Whitehead and the Heirs of his body lawfully begotten or to be begotten, and for want of Such Issue, to the next right Heirs of him the said Daniel Whitehead forever As (Recourse being had to the said last will and Testament) does and may more at large appear, And whereas the said Whitehead Hicks died without heirs of his body, and that Thomas Hicks aforesaid Eldest Son of Deborah Hicks is the lawfull Issue and heir of Said Deborah, and is now in full and quiet Possession of the said Lands,

and being desirous to dispose of the Same, by reason the whole is divided into ten acre Lotts which are remote and far distant from Each other, by Means Whereof the Same cannot be converted into one or more ffarm or ffarms, And the Gen'l Assembly of this Province having received full Satisfaction that the said Testator did (after having made his Said last Will and Testam't) fully intend to have altered the Same, and to have given the said Estate in fee to the said Devisees if Whitehead Hicks Should die without Issue, and to have cleared up all Doubts and Scruples, if any Such there were, concerning the Same Estate now in Possession of the Said Thomas Hicks; And the said Thomas having in Pursuance and Conformity to an Instruction from the Regency in his Maj'ties Name to his Excell'y the Govern'r of this Province, dated at Whitehall the twenty third of July 1723; given publick and due Notice of his Intentions Herein at the parish Church where the Premises do lye, three Sundays Successively before he applied for this Act. THE Said Thomas Hicks therefore humbly prays that it may be Enacted, And it is hereby Enacted by his Excellency the Governor Council and General Assembly, and by the Authority of the Same, that the Lands and Meadows in the said Last will of the s'd Daniel Whitehead men'soned, & thereby devised to the SAID Whitehead Hicks and the heirs of his body as afores'd and in ffailure of Such heirs to Deborah Hicks and the heirs of her Body whose Issue and heir at Law the said Thos. Hicks is, be actually vested, and They are hereby fully and actually vested in him the said Thomas Hicks and his heirs and Assigns forever in ffee Simple AND BE IT FURTHER Enacted by the Authority aforesaid that the said Thomas Hicks his heirs and Assigns Shall be, and are hereby fully adjudged and taken to be seised of the said Lands and of Every part or parcel thereof in ffee, and may and Shall have and hold the Same free and discharged of and from all or any Estate or Estates Limitations Remainders or Provisoes Whatsoever had or made in and by the said last Will and Testam't of Daniel Whitehead aforesaid, And that the said Thomas Hicks his heirs and Assigns be, and are hereby fully and absolutely inabled to make and give a good and Sufficient Title in Law and Equity of and for the Same and every part and parcel Thereof to any person or Persons whatsoever. SAVING NEVERTHELESS the Right of his Majesty his heirs and Successors and of all Bodys politick and corporate and of all other persons whatsoever Except the Right of the said Thomas Hicks and his heirs, and of the said Deborah Hicks, Jona-

than Whitehead and Thomas Whitehead and their and Each of their heirs, and the heirs of the said Daniel Whitehead.

PROVIDED NEVERTHELESS that this Act Shall not be in force nor any Clause therein contained until his Maj'ies Royal Approbation Shall be had Thereof

[CHAPTER 487.]

[Chapter 487, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 321. Expired September 1, 1728.]

An Act for the more Effectuall preservation and encrease of Deer on the Island Nassau.

[Passed, June 17, 1726.]

BE it Enacted by the Governour Council and Generall Assembly And it is hereby Enacted by the Authority of the Same that whatsoever Person or Persons Christian or Indian Freeman or Slave that Shall after the first day of August in this present Year one Thousand Seven hundred and twenty Six and during the Continuance of this Act presume by any manner of ways or means whatsoever to Kill or destroy any Buck Doe or Fane or any sort of Deer whatsoever on the Island Nassau Shall forfeit the Sum of Ten Pounds Current money of this Colony or in Default thereof to Suffer Imprisonment for the Term and Space of three months without Bail or mainprize unless within that time he or they pay the forfeiture aforesaid one half of all which forfeitures Shall be to him who Shall prosecute and Sue for the Same before any one of his Majesties Justices of the Peace where Such offence Shall be Committed who is hereby Authorized Impowered and required to hear and determine the same, and the other half to the Poor of the respective Town where any Person or Persons Shall be of Such Offence Convicted.

AND for the better convicting of the Offenders in all the cases abovesaid, Be it Enacted by the Authority aforesaid that whatsoever Person or Persons with whom Shall be found or who shall expose to saile any green Deer Skins fresh Vensin or deer flesh Shall be held deemed and Judged guilty OF the Said Offence and be thereof Convict unless he or they Shall prosecute and convict some other Person to have done the Same, And that the Same green Deer Skins fresh Venison or Deers Flesh so found as aforesaid or any other probable Circumstance at the discretion of the Justices before whom Such offence Shall be tryed Shall be held to be good evidence in the offence aforesaid.

AND be it further Enacted by the Authority aforesaid that if any Justice of the Peace Shall neglect or refuse to hear & determine any of the Cases aforesaid according to the rules and directions before mentioned every Such Justice of the Peace so neglecting or refusing as abovesaid Shall forfeit for every Such Neglect or refusal the Sum of Ten Pounds lawfull money of New York to be recovered in any Court of record within the County where Such Justice of the Peace doth belong the one half whereof to him who Shall prosecute and Sue for the Same and the other half to the Treasurer of the County where the Said Offence Shall be Committed and prosecution made to and for the use of the County. This Act to be in force till the first day of September in the Year of our Lord one thousand Seven hundred and twenty Eight and no longer.

THE EIGHTEENTH ASSEMBLY.

First Session.

(Begun September 27, 1726, 13 George I, William Burnet, Esq., Governor.)

[CHAPTER 488.]

[Chapter 488, of Livingston & Smith and Van Schaack, where the act is printed in full. Title only is printed in Bradford, 1732 ed., p. 322. Continued by chapter 535.]

An Act to Empower the Justices of the Peace of the County of Albany living or dwelling in the Township of Schanegtade in the Said County to Regulate the Streets and high Ways and to Prevent Accidents by Fire in the Said town

[Passed, November 11, 1726.]

WHEREAS for want of A Due Regulation of the Streets and highways Within the Town of SCHANEGTADE in the County of ALBANY many of the Inhabitants there have and Do take the Liberty to Lay in the Publick Streets and highways of the Said Town great Quantities of firewood Timber Lime Stones Shavings Straw Dung and other things whereby the Passage through the Same is made difficult uneasy and Naseous. AND by Reason of the many Indians frequenting the Said Town and who Very often in the Night carry fire through the Same whereby the Said Town is Exposed to many Accidents for the Preventing whereof BE IT ENACTED by his Excellency the Governour & Council and General Assembly and it is Hereby Enacted by the Authority

of the Same That the Justices of the Peace of the County of Albany Living and dwelling within the Township of SCHANEGTADE Or the Major Part of them Are hereby Directed and Impowered from and after the fifteenth day of November next Ensuing Within A Reasonable Time not exceeding fourteen Days to Order and Direct all and Every the Inhabitants of the Said Town to Clear and Clean the Said Publick Streets and highways Every one of them before his and Their Respective Lotts of Ground and dwelling Places of All Firewood Timber Lime Stones Shavings Straw Dung and other Things Whatsoever and to fill up all holes And Myery Places within the Same And if Any person or persons Inhabitants of the Said Town shall refuse neglect or delay to Yeild Obedience to the Orders and Directions of the Said Justices in that Behalf to be Provided Every Such Person and Persons Shall forfeit the Sum of Six Shillings Currant money of New York for Every days disobedience Refusall Neglect or delay to be recovered before Any of his Majesties Justices of the Peace Aforesaid to be Applyed to And for the defraying the necessary charges of the Said Township; and for preventing the Like Ill Practices for the time to Come the Said Justices are hereby Impowered and Directed yearly and Once in Every Year to make Such Prudential Rules and Orders for the Better Regulating the Streets and highways in the said Town and for the keeping of them neat Clean and Unincumbred .As unto them in their Discretion Shall seem meet with full Power and Authority to Impose A Reasonable Fine on the Offenders and breakers of Said Orders not Exceeding the Said Sum of Six Shillings for every offence to be Recovered and Applyed in manner Aforesaid, Any Law Usage or Custom to the Contrary hereof in Any Ways Notwithstanding.

AND for the more Effectual Preventing of Accidents by fire It is hereby Enacted by the Authority aforesaid That the Inhabitants and Freeholders of the said Town of Schanegtade be and are hereby Impowered and Directed That they do Annually Yearly and Every Year hereafter Assemble and meet together on the first TUESDAY of APRILL in every Year in Such Convenient Place Within the Said Town as unto the Justices of the Peace living in the Said Township Shall Seem meet And then and there by Majority of Voices Elect and Choose Two Sufficient able and Discreet Persons to be Overseers of the Chimneys and Ovens of the said Town for the Year Ensuing And the said Persons So Chosen are hereby Authorized and Directed Once In Every Month

or oftener if they Shall See Convenient To Enter the houses of the Inhabitants of the said Town And then and there Examine and View Into the Respective Chimneys and fire places of the Same And if they find that the Same are Not kept Clean of Soot to Order and Direct the person or persons Dwelling In the Same to Cause them to be forthwith Cleaned and if Any Person or Persons Shall deny refuse Neglect or delay then forthwith to Clean the Same Every Such Person & Persons Shall respectively forfeit the Sum of Three Shillings for Every Offence to be recovered and Applied for the use and benefit of the Said Overseers, AND the said Persons So Chosen as Aforesaid are hereby further Authorized and Directed to take an Exact View of all the Ovens in the Said Town and order all and Every Person or Persons there having their Ovens too Near their Barns or dwelling houses to Cause them to be removed to Some more Convenient place and if Any Person Or Persons Shall refuse deny neglect or delay to remove their Ovens in Manner Aforesaid he or they Shall forfeit for Every Such Offence The Sum of Six Shillings to be Recovered and Applied in manner Aforesaid This Act to be in Force for the Space of two Years and from thence to the End of the next sessions of Assembly and no longer.

[CHAPTER 489.]

[Chapter 489, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. See chapter 414. Provided for by chapter 887.]

An Act for Explaining An Act of the General Assembly of this Province made in the Seventh Year of his Majesties Reign ENTITLED AN ACT for Regulating fences for the Several Cities And Counties within this Province of NEW YORK for making the Same more Beneficial for the Township of Schanegtade in the County of Albany.

[Passed, November 11, 1726.]

WHEREAS In and by An Act of the General Assembly of This Province made and ENACTED In the Seventh Year of his Majesties Reign Entitled An Act for Regulating Fences for the Several Cities and Counties within this Province of NEW YORK It is amongst other things Enacted that if any Lands or Meadows shall lye within any Circular fence (Except Where any Town within this Colony have Already agreed to the Contrary) the

owner or Possessor thereof Shall In Proportion to the Quantity of Land and meadow They have within the Said Fence Pay and Contribute to the making and Maintaining the Said Fence. BUT the Said Act not having Laid any Penalty on Such Person or Persons as Should deny Neglect or refuse to Pay and Contribute towards the keeping Such Circular fences when made in Repair or who should deny neglect or refuse to keep his or their Respective Shares and Parts thereof in Repair And whereas The Greatest Part of the manured Lands of the Township of Schanegtade in the County of Albany do lye within A Circular fence And Several Persons who have benefit thereby do Neglect and refuse to keep their Respective Shares and Proportions of the Said Fence in good Repair to the greivous hurt and Damage of their Neighbours for the Preventing whereof BE IT ENACTED by his Excellency the Governour and Council and General Assembly and it is hereby Enacted by the Authority of the Same That it Shall and may be Lawfull to And For the Justices of the Peace of the County of Albany Living or dwelling in the Township of Schanegtade or any two of them Upon Complaint to them or any of them made by Any Person or Persons owning Or Possessing any Lands or Meadows within the Circular Fence In the Said Township of Schanegtade that the S'd Fence or any Part thereof is out of Repair to Issue out their Warrant under their hands and Seals Directed to Viewers Overseers and Judges of the Fences within the Said Township for the time being Commanding them to View the Said Circular Fence or Such Part thereof As shall have been Complained of to be Insufficient or out of Repair and to Report to the Said Justices or any two of them under their hands the Condition of the Said Fence or of that Part Complained of Together with the names of the Person and Persons Whose Share Part or Proportion of the Said Fence they Shall So find to be Insufficient or out of Repair whereupon the Said Justices or Any two of them is and Are hereby directed and Authorized forthwith to give notice to the Person or Persons whose Share and Proportion of the Said Fence shall So be found Insufficient or out of Repair Ordering him and them that he and they do within Eight Days then next following Cause his and Their Share Part or Proportion of the Said Fence to be put in Good Repair and made Sufficient and if such person or Persons shall after Such Notice as Aforesaid neglect refuse or delay to make or cause to be made his And Their Share Part and Proportion of the Said Fence Sufficient and in good repair within the time before by the Said Jus-

tices or any two of them directed and ordered As aforesaid every Such Person and Persons Shall forfeit the Sum of Six Shillings Currant Money of this Province for every day his or their Shares Parts and Proportions of the Said Fence Shall so Remain insufficient & out of Repair after the time above Limited for the Repairing thereof to be Levied On the Offenders goods and Chattels by warrant under the hands and Seals of the Said Justices or any two of them directed to the Constable of the Said Township and to be Applied towards the making and Maintaining of the Bridges within the Said Township

AND WHEREAS by the Aforesaid Act of The Seventh Year of his Majesties Reign it is further Enacted that where Any Person or Persons already have or hereafter Shall have Sett his or their Fence in the Partition Line of Lands and meadows between him and Them his or their Neighbour or Neighbours they Shall make & Maintain The Said Division Fence Equally between them On the Penalty as in and by the Said Act is directed and appointed. But WHEREAS the Inhabitants of the Township of Schanegtade aforesaid for the most part Live at Some miles distant from their Arrable Land and by reason that the Said Fences are not made Or Maintained According to the directions of the Said Act And Many of the Inhabitants have Considerable damage done unto them without being able to Discover from which of their Neighbours the Same has happened and thereby the remedy given by the said Act is wholly useless Unto them for the preventing whereof. BE IT ENACTED And it is hereby Enacted by the Authority Aforesaid That all and every Person and Persons owners or Possessors of Any Lands or Meadows within the Said Township of Schanegtade that At any time or times hereafter during the Continuance of this Act intend to Set up any Partition Fence between himself or themselves and his and their neighbour and Neighbours within the Aforesaid Circular Fences or in other Improved LANDS within the Said Township Shall be and hereby is and are respectively Obligated to give Notice of his or their Intentions to his and Their Neighbour and Neighbours Six Months before he or they Set Up Such Fence Requesting him or them Within that time to Get Materials to Set up and make his and their Respective part Share and Proportion of the Said Fence So that the Same may be finished at the Time before Limited And if Any Person or Persons So Warned and Requested As Aforesaid Shall refuse neglect or delay to Provide Materials AND Sett up and make his and their Share Part and Proportion of the Said

Partition Fence or Fences within the Time before Limited Shall forfeit to the Party Greived the Sum of Six Shillings Currant money of New York for Every Day his and Their Part Share or Proportion of the Said Fence Shall not be made and Sett up after the Time above Limited to be Recovered before Any two of his Majesties Justices of the Peace Living in the Said Township of Schanegtade over and Above all damages Recoverable by the Aforesaid Act made In the Seventh Year of his Majesties Reign

AND it is hereby further Enacted by the Authority aforesaid that where such Partition ffences as herein before mentioned are already Set up and made within the Said Township of Schanegtade the Same Shall by the Person and Persons to whom the Same Belong Respectively be from time to time kept in Good Repair And if Any Person & Persons to whom the Repairing thereof Shall and doth belong Shall upon Complaint made thereof to the Justices of the Peace afores'd or Any two of them And on the View of the Viewers Overseers and Judges of the Fences within the Said Township for the time Being and their Report that the Same are out of repair and Insufficient Refuse neglect or delay to repair and make the Same Sufficient within Eight Days after Such View, and Report made Shall forfeit to the Party Greived the sum of Six Shillings for Every day the Same Shall thereafter Remain Insufficient and Out of Repair To be Recovered before Any of his Majesties Justices of the peace Living in the Said Township of Schanegtade Over and above All Damages Recoverable by the Aforesaid Act of the Seventh Year of his Majesties Reign

AND this Present Act to Remain in force during the Continuance of the Said Act of the Seventh Year of his Majesties Reign and no Longer

[CHAPTER 490.]

[Chapter 490, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Livingston & Smith and Van Schaack state that this act was repealed by the king, February 15, 1728.]

An Act for the Easier partition of Lands held in Common and promoting the Settleing and Improvement thereof & for Confirming former Divisions of the Settled Townships of this Colony.

[Passed, November 11, 1726.]

WHEREAS There are divers Large Tracts of Land in this Province heretofore Granted by Sundry Letters Pattents under

the Seal of this Province to Sundry Persons, as Tennants in common under certain Quit rents thereby reserved to the Crown with Certain Clauses and Provisoos therein Contained for Settling and Improving the Same Lands or Some part thereof In Order that the Number of Inhabitants and the Strength of this Colony may be Increased and the Soil Cultivated, Yet so it happens that many of Such Patentees are Since Dead Some of them in their life times haveing Sold and Alienated all their undivided Rights and Interest in Such Lands to Sundry other Persons, Others by Divises in Wills have so Conveyed their Estates and Interests in the said Tracts of Land that the Respective rights and Interests of most of the AFORESAID Originall Patentees are now become Vested in a Great Number of his Majesties Subjects, many of whome are removed out of this Colony to parts remote and unknown, Others are in the State of Infancey and under other Dissabilities which in Law does Incapacitate them from Joyning in any partition and Division of the aforesaid Tracts of Land or in Defending of their Rights and Titles to Such Lands Incroached upon by others whereby its become Impracticable for them to meet together to agree upon any methods to divide Such Lands so remaining in Common amongst them according to their Just Share and rights in the Same, and yet if any of the Said Comoners for Support of themselves and Families would Set down to Improve the Same Lands as Tenants in Common by the Laws of England they would Still remain So and the labours and Improvements of the Persons so Settling will without Such Division as much belong to those who do not SETTLE and Improve the Same Lands, as those who do bestow their Labours thereon which if not timely remedied will Introduce Confusion & render the Settlement of those Lands very precarious Wherefore for remedying the aforesaid Inconveniencies and for the more easey partition of Such Lands so remaining undivided and in Common as aforesaid

BE IT ENACTED by the Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the Same that from and after the Publication of this Act Such Tenants in Common that now are or hereafter Shall be of any Estate or Estates of Inheritance in their own right or the Rights of their Wives, as Patentees or Assigns of Patentees in any Tract or Tracts of Land so held in this Colony And the Guardians of Orphans having right and Interest in such Tracts of Land, and the Agents or Attorneys of any Patentees or of the heirs or

Assigns of any Patentees of such Land so as aforesaid Living or residing in parts remote or out of this Colony, or the Major part of them for and in the names and behalfs of the whole Proprietors Interested in Such Lands & Tenements Shall and may by Virtue of this Act in Such manner as hereinafter is mentioned make Severance and Partition of all Such Lands or of Such part or parts of Such Lands Tenements and hereditaments as they now hold or hereafter Shall hold by one and the Same Letters Patent or Tenents in Common their Guardians Agents or Attorneys as they Shall think fit to divide untill they do think fit and Convenient to have the whole Divided and leave nothing in Common among them And for the more Orderly and regular laying out and dividing Such Lands as aforesaid between the Said Parties and for prevention of any DISPUTES that may happen about the Charges of laying out and dividing any Such Tract or Tracts of Land, it is further Enacted by the Authority aforesaid, That it Shall & may be Lawfull for Such Tenants in Comon their Guardians Agents or Attorneys as aforesaid so minding and desiring to make Such Severance & partition as aforesaid or the major part of them to nominate Nine good Substantiall Freeholders & Inhabitants in the County where the Said Lands so to be Severed & divided are Scituated & lying who are no ways Interested in the Said Lands or any ways related to any of the Said parties, the names of which Nine Persons so nominated Shall be given in writing under the hands & Seales of Such Majority of proprietors their Guardians Agents or Attorneys as aforesaid to the Justices at the next Generall Sessions of the Peace to be held in & for the said County, thereby certifying the Consent & agreement of Such Majority as aforesaid to make Severance & Partition of Such Tract or Tracts of Land so Intended by them to be divided & thereby also requesting the said Justices to Elect and Choose out of the aforesaid nine Persons any Such thereof, the aforesaid nine Persons as they in their discretion shall think fit to lay out and divide the said Lands between the said Parties & the said Justices in Generall Sessions of the Peace as aforesaid are hereby required & directed to Elect and Choose Such three Persons accordingly, which three Persons so Elected & Chosen, Shall & are hereby required & directed to lay out Severe and divide upon Oath to be Administered to them by the said Justices or any two of them Such Tract and Tracts of Land so Intended to be Severed & divided BETWEEN the aforesaid Parties in manner following, that is to Say That at the time of the Divisions of any Such Tract

and Tracts of Land so to be made there Shall be laid out Set apart or Surveyed and bounded out of the Said Whole Tract and Tracts of Land before any Severance or division be made thereof by the Said Three Persons so Elected in manner aforesaid for the Same parties Such part thereof not exceeding One twentieth part of such whole Tract as the Said three Persons Shall Judge reasonable and Necessary to be Sold for raising a Sufficient Fund for the defraying the Charges not only of Surveying laying out and Selling Such part and parts of the Said Land so to be Set a part for that purpose but also of all the Charges of Surveying laying out and Severing and dividing the remainder of the Said Whole Tract and Tracts of Land between all and every the aforesaid Parties Tenants in Common Interested in the Said Tract and Tracts of Land in manner as herein after is mentioned and declared concerning Such Severance and partition as aforesaid which said part of the said Tract and Tracts of Land so to be laid out Set apart and allotted to be sold as aforesaid Shall be laid out Set apart and allotted in One Intire piece or parcell so as the Same shall not Extend in Length along the banks of any River more than one fourth part of the Length thereof into the Woods from the said River and Shall afterwards be Sold by the Said three Persons so Elected as aforesaid, or the Survivors or Survivor of them at Publick Vendue to be held in the City of New York to the highest bider at Such time and place as Shall be by the Said Three Persons appointed for that purpose, And that in Order thereunto the Said three Persons so Elected and Chosen as aforesaid or the Survivors OR Survivor of them are hereby Impowered and Authorized to Sell and dispose of the Same at Publick Vendue to the best advantage in manner aforesaid, & to Sign Seal and deliver Deeds and Conveyances thereof unto any Person or Persons whatsoever who Shall purchase the Same which Deeds and Conveyances made and Executed Shall be and are by Virtue of this Act Judged Deemed and Esteemed a good valid and Sufficient Title in the Law to all Intents Constructions and purposes whatsoever as fully and amply as if all and every the aforesaid respective Tenants in Common and Persons having right Title and Interest in the Same Lands and premises had Executed Deeds and Conveyances for the Same to the Said Purchasor or Purchasors thereof, & the Said Purchasor & Purchasors thereof and their respective Heires and Assigns are and Shall be hereby Severally and respectively invested in and Intituled to an Estate of Freehold and Inheritance in fee Simple of and in all

and every or any of the Said Lands Tenements & Hereditaments purchased by them by Virtue of this Act from the Said Three Persons so Elected & Chosen as aforesaid, or the Survivors and Survivor of them to all Intents and purposes whatsoever, in as full and ample manner as if the Same Lands and premises or any part thereof had been Sold and disposed by all and every the aforesaid Tenants in Common and Persons having right Title & Interest therein as aforesaid according to the best and most Exact PERFECT and due form by the rules of Law required to be done by them and every of them unto the Said Purchasor and Purchasors as aforesaid and the Said Purchasor and Purchasors as aforesaid and their respective Heires and Assigns Shall and may by virtue of this Act at all times thereafter for ever freely quietly and peaceably have hold use occupy possess & Injoy the Said Lands Tenements Hereditaments and premises and every part and parcell thereof with their and every of their Appurtenances so by them or any of them purchased by Virtue of this Act without the lett Suit trouble vexation Eviction disturbance or other hindrance or molestation whatsoever of any of the aforesaid Originall Patentees to whom Such Tract or Tracts of Land were first Granted by Such Letters Patents as aforesaid or their or any of their respective Heires Executors Administrators or Assigns or of any other Person or Persons whatsoever having or Lawfully Claiming of in or out of the Same premises or any part or parcell thereof by from or under them or any of them.

AND be it further Enacted by the Authority aforesaid that the moneys arising by Such Sale of the Said part and parts of Such Tract and Tracts of Lands so to be laid out and Sold for the purposes aforesaid Immediately upon Such Sale and Executing Such Conveyances thereof Shall be paid or Secured to be paid by the purchasor and purchasors THEREOF into the hands of the Treasurer of the Colony for the time being who Shall thereout pay and discharge the Severall Contingent Charges as well of Surveying laying out and Selling Such land so to be Set apart and Sold for the purpose aforesaid as of Surveying laying out Severing & dividing the remainder of the aforesaid whole Tract and Tracts of Land between the aforesaid Tenants in Common as aforesaid, Such Charges being first Settled and approved of and certified to the said Treasurer under the hands of the Majority of Such proprietors their Guardians Agents or Attorneys as aforesaid and after all Such Charges as aforesaid are paid and discharged the

remainder of Such purchase money as aforesaid remaining in the hands of the Said Treasurer as aforesaid Shall be by him his Executors or Administrators paid to the respective Patentees and Proprietors of Such Lands their Guardians Agents or Attorneys in equall proportions according to their respective Interests therein, the Said Treasurer thereout first retaining and deducting to himself after the rate of five pounds Pr Centum for receiving and paying Such Sum and Sums of money so by him to be received and paid in manner aforesaid.

AND be it further Enacted by the Authority aforesaid that after Such part or parts of Such Tract or Tracts of Land So to be Severed & divided as aforesaid Shall be so Set apart & allotted to be Sold for payment OF the Charges as aforesaid the aforesaid three Persons so to be Elected and Chosen by the Justices in their Generall Sessions in manner aforesaid or the Survivors or Survivor of them Shall then make Severance divide and lay out the remainder of Such Tract and Tracts of Land so to be Severed and divided between the aforesaid Proprietors as aforesaid into Such and so many Lots and proportions as they in their discretion Shall think necessary and Convenient upon view of Such lands to be made by them with respect to the quantity Scituation and Quality of Such Lands & the Number of the Persons among whom the Same Shall be divided so to that each & every of the Proprietors thereof may have an Equall number of Such Lotts as near as may be laid out for them in quantity and quality as aforesaid, according to their respective rights and Interests in Such Lands so to be divided and Severed as aforesaid, which Lotts so laid out and divided as aforesaid, Shall be numbered or distinctly marked, one from the other gradually, to once Twice or three times or more, of the Number of the dividers or parties Concerned in the Said Division or Divisions as the quantity Circumstances & Scituation of the Lands so to be divided may require or will best allow off and so that every one may have as equall Chance or Chances as Conveniently may be allotted with the rest of the said proprietors with respect to their respective rights and Interests in Such whole Tract & Tracts of LAND So to be divided and the Lotts so numbred marked or distinguished afterwards at a Convenient time and place in the City of New York by Such three Persons as aforesaid to be appointed for that purpose Shall be drawn fairly and Publickly in the presence of three Indifferent Persons at least who are in no wise Concerned in the right title or Interest of the said Lands Tenements or hereditaments so to be

divided and to be named by Such three Persons so Elected and Chosen to divide the Said lands as aforesaid or the Survivours and Survivor of them and that the names of Such Persons in whose presence the Said Lotts are to be drawn Shall be inserted in the New York Gazette three Months at least before the time of Drawing Such Lotts as aforesaid to the end that any Person Concerned may have liberty to make any Objection against any of the Persons so appointed & named to be overseers in drawing of the Said Lotts as aforesaid and that the Persons who Shall be appointed to See the drawing of the Lotts aforesaid Shall have and receive after the rate of four Shillings each pr day each day they will be Obligated to attend about it (if they please to demand it) and no more to be paid to them out of the moneys to be deposited in the hands of the aforesaid Treasurer appointed to receive the moneys for Sale of the Said Lands as aforesaid the Said Overseers who Shall be so appointed to See the said Lotts fairly drawn as aforesaid before the doing thereof being first Sworn to do and See Justice done TO all Persons Concerned in the Said division to the best of their knowledge and understanding which Oath any one Justice of the Peace thereto required is hereby Impowered to Administer. AND be it further Enacted by the Authority aforesaid that the Severall and Respective Lots so Severed laid out and drawn in manner aforesaid Shall be the Share proportion and division of each and every the aforesaid proprietors and Tenants in common Severally & respectively of and in Such Lands Tenements & hereditaments so to be divided as aforesaid as the Same Lott or Lotts to them Shall Severally and respectively happen to fall & that they and every of them the aforesaid Proprietors or Tenants in Common of Such aforesaid whole Tract or Tracts of Land so to be divided in manner as aforesaid Shall thereafter hold and Enjoy to them and their respective Heires and Assigns for ever only their Severall and respective Lott & Lotts and divisions of Such Lands Tenements & hereditaments so to them falling and happening in manner aforesaid, in Severalty one from the other and not in Common to all Intents Constructions and purposes whatsoever as if the Same divisions had been made by writt of partition duly prosecuted in any Court of Judicature within this Colony any Law usage or Custom to the Contrary notwithstanding. And be it further Enacted by the Authority aforesaid that the AFORESAID three Persons so to be Elected & Chosen by the Justices in Generall Sessions as aforesaid for the doing and performing the Severall Offices & Services

by them to be done & performed in manner aforesaid Shall have and receive after the rate of four Shillings each (Exclusive of all reasonable Charges) for each day they and each of them Shall attend and be upon all and every the respective Services aforesaid to be paid unto them by the aforesaid Treasurer out of the aforesaid moneys to be deposited in his hands on Sale of the Said Lands as aforesaid. And be it further Enacted by the Authority aforesaid, that no Such Partition or division as aforesaid Shall be Valid unless an advertisement be fixed in writing for the Space of three Months at least on the Sessions House or Some other Publick Place in the County where Such Lands or hereditaments are and in the next adjacent Counties, as likewise on the City Hall of the City of New York, that from and after Such certain day therein to be named Such Tract of Land Tenements & hereditaments mentioning its name, if by any distinguished, or by whom when & to whom Granted and where laying, is to be Surveyed, in Order to a division between the Proprietors thereof, and thence forward to be Continued untill the Said division Shall be Compleated. And be it further Enacted by the Authority aforesaid that the Surveys Drafts or descriptions of each and every the respective Lott and Lotts of Land and premises so as aforesaid to be divided shall be fairly and distinctly drawn or written on paper and markt and numbered from One to the Number of Lotts so laid out and the name of each and every proprietor to whom such Lott or Lotts shall happen to fall shall be wrote on such Survey Draft or Description of such Lott or Lotts as shall happen to him her or them respectively and shall be Certified under the hands and Seals of the said three persons appointed as aforesaid to see the said Lotts drawn or the Survivor or Survivors of them and be Recorded in the Secretarys Office of the said Colony And Whereas much the greater Number of the Townships Settled in this Province in dividing their LANDS amongst themselves have done the Same by Virtue of and according to the directions of the Votes of the Freeholders and Inhabitants at their Publick Town meetings from time to time Assembled for that purpose which divisions being generally very well accepted of and Acceded to by the respective Proprietors and Possessors of those Lands, Be it therefore further Enacted by the Authority aforesaid, that all Such Divisions & partitions of Lands heretofore made or directed to be made in any of the Settled Townships in this Province pursuant to Such Publick Town Votes as afore-

said & Entered in their Publick Town Books, Shall and forever hereafter be deemed Esteemed & taken to be good valid and Effectuall to all Intents Constructions and purposes whatsoever as if the Same had been made according to the Strict Rules of Law, Provided nevertheless, that Such of the said Settled Townships within this Colony as may still have Lands in Common or undivided amongst them and Shall See Cause at any time or times hereafter to divide the Same, or any part or parts thereof, Shall be at full liberty to make Such division or Severance by the Votes of the Freeholders met and Convened in Such Township or Townships for that purpose in the Same manner & method as has usually been practized by Such respective Townships In THE Severall Divisions heretofore made by them Respectively, any thing in this Act to the Contrary hereof in any wise notwithstanding.

PROVIDED also that this Act nor anything therein Contained Shall be of Force untill his Majesty Shall be graciously pleased to give his Royal Approbation thereto. And be it further Provided that after this Act shall have his Majestys Royal Approbation Publick notice be thereof given in the London Gazette or some other publick print three Severall days and that none of the Clauses or matters in this Act contained Shall be put in Execution untill three of said Gazettes or other publick papers or due proof made by the Oath of One or more Witnesses that such notice hath been given as is hereby meant and Intended be produced to his Excellency the Governour of this Province in Council.

[CHAPTER 491.]

[Chapter 491, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Expired November 11, 1729.]

An Act to Encourage the destroying of
Foxes and Wild Cats in the County of Queens
County within this Province.

[Passed, November 11, 1726.]

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same that from and after the Publication of this Act Any Person or Persons whatsoever that Shall take and Kill any Wild Cat or Kitten or any Fox or Welp of A fox Shall for Each Wild Cat So Kil'd receive As A Reward the Sum of Eight Shillings and for Each

Kitten the Sum of four Shillings, and for Each fox the Sum of five Shillings and for Each Welp of a Fox the Sum of Two Shillings & Six pence to be paid by the Treasurer of the Said County by Virtue of An order or Warrant on him drawn by the Justice or Justices of the Peace before whom proof Shall be made as is herein after directed of the Killing and Destroying of Such Wild Cat, fox, Kitten or Welp as aforesaid & the Money due & payable for Such Killing and destroying as aforesaid Shall be made part of the County Charge and shall be Assesst raised and Levyed in the Same manner as other the Publick County Charges are Assessed raised and Levyed.

AND to prevent the fraudulent Imposition on Justices of the Peace by persons pretending to have Killed foxes and Wild Cats When really and in Truth they have not done so Be it Enacted by the Authority aforesaid that any Person coming before A Justice of the peace and demanding an order or Warrant for the Killing of any fox Wild Cat, Welp or Kitten as aforesaid Shall produce the Said Fox Wild Cat welp or Kitten So Said to be killed unto the said Justice or Justices of the peace and Shall Skin the Same in the presence of the Said Justice or Justices of whom Such Order or Warrant as aforesaid is demanded and Shall make Oath upon the holy Evangelists And if Quakers to give their Solemn Affirmation that Such fox Wild Cat Welp or Kitten for which A Reward Shall be demanded was killed in Queens County and thereupon Such Justice or Justices are hereby required to Issue Such Order or Warrant as aforesaid accordingly.

This Act to Continue in force for three Years from the Publication hereof And No Longer.

[CHAPTER 492.]

[Chapter 492, of Livingston & Smith, where the act is printed in full. Chapter 492, of Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. See chapter 450. Further provision made for exchanging torn bills by chapter 551.]

An Act for Striking Bills of Credit to the Value of Three Thousand Pounds and putting them into the Treasury to be Exchanged for Shattered Torn and defaced Bills Struck and Issued by Virtue of the Several Acts therein mentioned.

[Passed, November 11, 1726.]

WHEREAS by An Act of the General Assembly Entituled An Act for making Bills of Creditt and putting the Same into the

Treasurers hand For Exchanging therewith Such bills of Credit of this Province as are torn & defaced passed in the tenth Year of his Majestys reign there were Struck and made Current in this Collony Bills of Credit to the Value of Three Thousand pounds and placed into the Treasury to be Exchanged for Such of the Bills of Credit Current in this Colony (Struck and Issued by Virtue of the three Several Acts of General Assembly whereof the Titles Are particularly mentioned and Expressed in the aforesaid Act) As were so Shattered torn and defaced that the real Value for which the Same were originally Struck was difficult to be known as in and by the same act (Reference being thereunto had) may more fully and at large Appear.

AND Whereas the Bills of Credit mentioned in the aforesaid Act to be Struck & Issued in the Seventh Year of his Majesties reign to the Value of Five thousand Ounces of Plate have Since by an other Act of the General Assembly passed in the Twelfth Year of his Majestys Reign been Continued to be Currant Untill the first day of July which will be In the Year one thousand Seven hundred & twenty Eight.

AND Whereas the Bills of Credit to the Value of three thousand Pounds So Struck as aforesaid have long since been Exchanged According to the true Intent and meaning of the Said Act and that nevertheless, not only other of The Bills of Credit Struck and Issued by Virtue of the Aforesaid three Acts are become so Shattered torn and defaced that their real Value can Scarcely be distinguished but Likewise those Struck and Issued by Virtue of the first mentioned Act whereby Constant and frequent Disputes arise among the Good Inhabitants of this Colony in Receiving and Paying the Same.

AND it being conceived that the only Effectual Remedy to remove and prevent those Difficulties is by Striking A Quantity of other new Bills of Credit and Lodging the Same in the Treasury in order to be Exchanged for Such torn Shattered & Ragged Bills of Credit as are aforesaid AND the persons hereinafter appointed and named to Sign Such new Bills having offered to Sign the Same gratis whereby the Publick will be at no other Charge and Expence than the printing & Exchanging of them and the Ease Conveniency & Accomodation which will result from Such new Bills to the said Inhabitants by preventing the many Difficulties and Disputes which too frequently happen amongst them very much outweighing Such Charge and Expence as aforesaid

BE it therefore Enacted by his Excellency the Governour the

Council and the General Assembly and it is hereby Enacted by the Authority of the Same That new Bills of Credit to the Value of three thousand Pounds, be forthwith printed and Signed to & for the purpose aforesaid, THAT IS TO SAY,

Eight Hundred Bills of twelve Shillings Each

Eight Hundred Bills of Eight Shillings Each

One thousand Bills of Six Shillings Each

Two thousand Bills of four Shillings Each

Two thousand Bills of three Shillings & Six pence Each

Two thousand Bills of three Shillings Each

Eighteen hundred Bills of two Shillings & Six pence Each

Two thousand Bills of two Shillings Each

Three thousand Bills of One Shilling and Six pence Each

Sixteen hundred Bills of One Shillings & three pence Each,
AND Two thousand Bills of One Shilling Each

Upon which Bills Shall be Impressed On the right hand Side the Arms of the City of New York and on the Top of Each of them betwixt the Cypher or flourishing and the body of the Bills Shall be printed in Words at Length and at the Lower part on Each Side thereof in figures, the Value they Shall respectively go Currant for and in the Cypher or flourishing above is to be left A blank in the form of An Ovall large enough to Contain the Date of the Year in figures

And all the Said Bills are to be in the form following to Witt.

This Bill Shall pass Currant in all payments for

Pursuant to A Law of the Colony of New York November Sixteenth One thousand seven hundred & twenty Six

Which Bills Shall be Numbred and Signed by Stephen D. Lancey Major Frederick Phillipse Capt. Anthony Rutgers and Robert Livingston Jun'r Esq'rs or any three of them and in Case of the death of Any of them by the Major part of the said Persons then alive.

AND be it Enacted by the Authority aforesaid that the Stamps of the Armes aforesaid now deposited in the hands of the Treasurer Shall by him be delivered to William Bradford (being hereby appointed to Print all the said Bills) Who is thereupon to give a Receipt to the Treasurer for the Said Stamps, with Promise for his redelivery of the same As soon as all the Said Bills Shall be printed which Said Stamps upon Such Redelivery are to remain in the Treasury Sealed up by the Signers and not to be made use of unless by Virtue of An Act or Acts of the General Assembly for that Purpose.

BE it Enacted by the Same Authority that As Soon as all the Said Bills are So printed as aforesaid, the abovenamed William Bradford Shall deliver all and every one of them Unto the Persons herein Nominated & appointed to Sign the Same or to the Major part of them and at the Same time take an Oath upon the holy Evangelists before Any Alderman of the City of New York that the Bills then delivered unto them are all and every of the Bills printed by Virtue of this Act by him or by his Privy, procurement or direction and that he doth not directly or Indirectly, know or believe that any more have been printed by him or any other Person or Persons whatsoever.

Be it Likewise Enacted by the Authority Aforesaid that when the Said Bills Shall in manner beforementioned be delivered to the Signers hereinbefore named they or At Least any three of them are to Number and Sign the Same and then deliver Unto Abraham De Peyster Junior Treasurer of this Colony, or the Treasurer for the time being, the Exact Quantity hereby Enacted to be Struck being first Numbred and Signed as Aforesaid. And the said Signers Are at the same time to take An oath on the holy Evangelists That the Bills then delivered in manner aforesaid are all the Bills Signed by them by Virtue of this Act and that they shall and Will not Sign any more unless thereunto Impowered by Act or Acts of the General Assembly And if there Should happen to be any more bills than the Value of three thousand pounds herein beforementioned all Such Supernumerary Bills (whether Signed or Unsigned) Are Immediately to be burnt and destroyed (in the presence of the Treasurer) by the Signers aforesaid

AND WHEREAS it may be reasonably concluded that of the Bills of Credit made Currant by the Several Acts hereinbeforementioned or referred to A Considerable Quantity has already been Lost either by Accident or otherwise, and that Still A farther Quantity will be Lost before the Expiration of the time & times Appointed by those Acts for the totall cancelling and destroying of them respectively and the advantage Acruing by such Loss redounding Solely to the benefit of this Colony Be it Enacted by the Authority Aforesaid That all the whole Charge which Shall arise upon the Bills of Credit hereby Enacted to be Struck Shall be paid and discharged in the same bills of Credit and no other that is to Say to WILLIAM BRADFORD for printing the Number of Nineteen thousand bills And furnishing Pen

Ink and Paper for Signing the Same the Value of Twenty pounds whose receipt Shall be to the Treasurer A Good Voucher and Discharge for so much as is therein mentioned and Expressed not Exceeding the s'd Sum of twenty Pounds. And to be retained in the hands of the said Treasurer for his trouble In receiving the said Bills for making the payment above mentioned for Exchanging Such torn ragged and Shattered bills as are herein before mentioned and for Cancelling the same and keeping Accounts thereof after the rate of Nine pence on Every pound Value he shall So as aforesaid Pay retain or Exchange & of no other part thereof

BUT Be it Nevertheless further Enacted that if Such Bills as are presumed have already, or will hereafter be lost As aforesaid Should happen to fall Short of the Charge and Sallary above mentioned the deficiency thereof shall be made good either out of any Unappropriated money which shall then be in the Treasury or by Some other Provision to be made by the general Assembly for that purpose

AND be it further Enacted by the Authority aforesaid that all the residue of the bills hereby Enacted to be Struck or Such part thereof as may be requisite or demanded Shall by the Treasurer be Given in Exchange for such torn ragged and Shattered Bills issued by Virtue of the aforesaid Acts as may Occasion disputes or difficulties in paying or receiving of them to all Such person or persons as from time to time shall bring the same to him for that Purpose. PROVIDED Such Bills are otherwise good and bona fide Struck by Virtue of either the four Acts hereinbefore-mentioned or referred to, And all Such Bills as Shall be Exchanged in manner aforesaid Shall by the Treasurer not only be kept distinct from all other Bills but also Each Sort kept together according to the respective Acts by Virtue of which they have been Struck and Issued so far as the Same Shall be distinguishable.

AND although the only end in Stricking and Issuing Bills by Virtue of this Act is for preventing Difficulties to and Disputes among the good Inhabitants of this Colony, it is nevertheless the true Intent and desire of the General Assembly As well to prevent (as much as in them lyes) that no Confusion may be Occasioned by such releif as to Support the Credit and good reputation which all the Bills of this Colony have hitherto had, BE it therefore further Enacted by the Authority aforesaid that the Treasurer Shall in all and every of the Bills (now Enacted to be

Struck) which he shall pay retain or Exchange in manner as aforesaid make the following distinction before he Issue the Same in the blank Ovall here in directed to be printed in the Cyphering or flourishing part thereof that is to Say

In all those he pays to the printer and retains for his trouble to put in figure the Year one thousand seven hundred & twenty Six.

IN all those that Shall be Exchanged for bills made Currant by the Act hereinbefore referred to passed in the thirteenth Year of her Late Majestys Reign to Set down in figures the Year One thousand seven hundred and fourteen

In all those to be Exchanged for Bills made Currant by the Act herein also referred to passed in the fourth Year of his Majestys reign to Set down in figures the Year One thousand seven hundred and Seventeen

In all those to be Exchanged for Bills made Currant by the Act herein likewise referred to passed in the seventh Year of his Majestys Reign to Write in figures the Year One thousand seven hundred and twenty.

AND in all those to be Exchanged for Bills made Currant by the Act herein first mentioned passed in the tenth Year of his Majestys reign to place in figures the Year One thousand seven hundred & twenty four.

AND as by this means it will Appear what kind of Bills have been Exchanged So those Exchanged in lieu thereof are gradually to be Cancelled And Destroyed in the same Course and order as the Original Bills would have been if they had not been Exchanged, And be it further Enacted by the Authority aforesaid That the Treasurer Shall not be Obliged to Exchange any of the bills hereby made Currant for any Bill or bills of Credit Struck and Issued by Virtue of any former Act or Acts of the General Assembly, whereof the Value shall exceed twenty Shillings any thing herein Contained to the Contrary notwithstanding

AND be it further Enacted by the Authority aforesaid that the Signers hereinbefore named Shall at the respective time and times by the Several Acts hereinbefore referred to, respectively limited and appointed for sinking and destroying the Bills thereby made Currant or at least once every Year meet at the Treasury and then and there Examine to what Value Torn Shattered and ragged Bills have been Exchanged in lieu of Bills Struck by Virtue of this Act And the Said Signers or the greater Number of them then Alive are to make distinctions which sort

of Bills have been so exchanged and the Quantity and Value thereof and Accordingly to give unto the Said Treasurer Certificates Under their hands of the said Quantity or Value & to which of the said Acts the Same belonged So far as the same Shall be Distinguishable and the time at which Such examination was made AND the Treasurer is at the same time To Burn and Destroy the Bills so certified in the presence of the said Signers or the Major Part of them then alive Or present And all Such Certificates Shall be to the Treasurer good and Sufficient Vouchers and Discharges for so Much as shall therein be mentioned or Expressed

And be it Enacted by the Authority aforesaid that the bills of Credit made Currant by Virtue of this Act Shall be and Continue as Long Currant as any of the Bills of Credit now Currant in this Province by Any Acts of the General Assembly thereof now in force and Shall be Received in all Cases whatsoever by any persons within this province And be As Effectually Currant as any other bills of Credit made Currant in this Colony by Any Act of the General Assembly of this Province. And the Persons refusing the same Bills for any Sum due or hereafter to become due for any Cause Whatsoever as also all Persons Counterfeiting the said Bills Shall Incur the Same forfeitures Pains and Penalties as are Contained in the Act passed in the tenth Year of his Majesty's Reign ENTITLED An Act for making Bills of Credit and putting the same into the Treasurers hands for Exchanging therewith Such Bills of Credit of this Province as are Torn and defaced in as full ample and Effective a Manner To all Intents Constructions & Purposes whatsoever As if the Several Clauses relating thereto had been particularly and at Large Incerted in the body of this Act Any thing herein Contained to the Contrary Notwithstanding.

AND be it further Enacted by the Authority Aforesaid That if any Bill or Bills of Credit Shall be brought to the Treasurer of this Colony for Exchanging as in this Act is Directed or in payment of Dutys or taxes due by Virtue of any other Act or Acts of the General Assembly of this Colony which he shall have Good reason to Suspect Are Counterfeited or Altered to Appear of A higher Value than they were originally Struck for it Shall and may be lawfull for the said Treasurer to Stop and detain Such Suspected Bills and to endorse thereon the Name of the Person tendring the same and the time when, And all Such Bills he shall so Stop or detain Shall by him be Delivered from time to time to

the Court or Courts of the Quarter Sessions to be held for the City and County of New York who thereupon are either to Destroy the Same in the Said Court or to Proceed thereon As in their Discretion Shall Seem meet and it Shall and may be Lawfull to and for the Mayor Recorder and Aldermen of the City of New York to Stop and Detain Suspected bills and to do in that behalf what is hereby mentioned to be done by the said Treasurer

AND it Shall and may also be lawfull for all Justices of the peace Within their respective Counties In this Colony to Stop and detain Such Suspected Bills as aforesaid and (making the above mentioned Endorsement thereon) Deliver them from time to time at the next General Sessions of the peace to be held for Such County, who are thereupon Either to destroy the Same in Such Court or Courts or to proceed thereon as in their Discretion shall Seem meet And the Said Court or Courts are hereby required from time to time respectively to Certify to the said treasurer the Number and Value of the Bills which they shall destroy in manner aforesaid PROVIDED Nevertheless that nothing herein Contained Shall alter or lessen the Punishments inflicted by any former act or Acts of the General Assembly of this Colony on persons Counterfeiting the Bills of Credit thereby made Current in the said Colony

[CHAPTER 493.]

[Chapter 493, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 322. See chapter 367. Expired July 1, 1733. Provided for by chapter 720.]

An Act for Reviving an Act, entituled an Act for Regulating and Returning able and Sufficient Jurors in Tryals at Law.

[Passed, November 11, 1726.]

WHEREAS an Act entituled an Act for the Regulating and Returning able and Sufficient Jurors in Tryals at Law, Pass'd in the Eleventh Year of the Reign of our late Sovereign King William the third, Expir'd by its own limittation, has by Experience been found so usefull and beneficial, that the same has been Revived by Several Subsequent Acts, whereof the last Expired in July last past. Be it therefore Enacted by the Governour, Council and General Assembly and its hereby Enacted by the Authority of the same, That the aforesaid Act, Expir'd by its own Limitacon as aforesaid, shall be and hereby is Enacted to be Revived and of

Force and every Clause, Article and thing therein contain'd, from the Publication hereof, untill the first day of July, which shall be in the Year of our Lord, One Thousand Seven Hundred and Thirty three and no longer.

[CHAPTER 494.]

[Chapter 494, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Continued by chapter 512.]

An Act for destroying Wolves in the
County of Albany Dutchess County and
Orange County

[Passed, November 11, 1726.]

WHEREAS the Several Inhabitants of the County of Albany Dutchess County and Orange County Suffer great Losses in their Stocks of horses, Neat Cattle and Sheep by the great Number of Wolves in their respective Countys for preventing the like losses for the future and encouraging those who Shall destroy Wolves in the above named Counties. BE IT ENACTED by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the same That every Person and persons whither he be A Christian Indian or a Negroe inhabiting or Sojourning within the respective Countys above mentioned who shall kill any wolf within the above mentioned Countys and Carry the head thereof with the Intire Skin of such Wolf remaining thereto to any Justice of the peace residing within the County where the said wolf Shall be killed Such Justice shall give him or them A Certificate to receive of the Treasurer of the said County the Sum of Six Shillings Currant money of this Colony Always provided that the said Justice of the peace Shall deem and adjudge the wolf to have been Killed within three days and that the Ears of the said Wolf Shall be Cutt off in the presence of the said Justice before any such Certificate for such reward shall be given

AND be it further Enacted by the Authority aforesaid that for defraying the Charges of destroying Wolves in the afore mentioned Countys there Shall be raised levyed and Collected and paid by the freeholders Inhabitants Residents and Sojourners of and Inhabiting in the respective Countys afores'd Such sum or sums of money as the Supervisors of the aforementioned Countys or the Major part of them for the time being Shall Seem requisite

in Such way and in like manner and under Such pains and forfeitures and under Such Regulations and directions as all other publick and Necessary Charges of the respective Countys aforesaid are by Law raised levyed Collected and paid. Any Usage or Custom to the Contrary Notwithstanding

AND be it further Enacted by the Authority aforesaid that this Act Shall be & Continue in force for two Years from and after the Publication hereof and no Longer.

[CHAPTER 495.]

[Chapter 495, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Expired July 6, 1730.]

An Act for the Laying out and Clearing of the Highways from the East Side of KAGHNAWAGE Creek where it falls in the Mohauks River so farr as the Christian Settlements at Present do Extend and for breaking up the Road in the Winter Time from SCHOHERE to A place Called the VERBERGH.

[Passed, November 11, 1726.]

WHEREAS by an Act Entituled an Act for the clearing & ffurther Laying out of the highways in the City And County OF ALBANY Passed in the tenth year of his Majestys Reign No Commissioners were appointed by the Aforesaid Act to lay out the highways from the East Side of KAGHNAWAGE Creek in the Mohauke Country as far as the Christian Settlements Extend. BE IT THEREFORE ENACTED by the Governour Council and General Assembly, And it is hereby Enacted by the Authority of the same that JAN JOOST PETRI HANS. JURIE CASS and ADAM MICHELL Smith or any two of them Are Authorized and appointed Commissioners to Lay out the highWays from the East side of Kagnawage Creek where it falls in the Mohauks River and from thence up the said River So far as the Christian Settlements at present Extend in Such manner as to them or the Major Part of them Shall Seem most Convenient and Commodious and for that Purpose Shall be Vested With all and Singular the Powers and Authoritys and Intituled to the Same Wages as are given and allowed to other Commissioners In and by the Act above mentioned

AND be it also Enacted by the Authority aforesaid that the

Justices of the Peace of the Precinct of Skohere or any one of them are hereby impowered to order Such A Number of Persons with their Slays and horses as they or any one of the said Justices Shall think Sufficient and proper to break up the Road when Snows happen to fall in the Winter time from SKHOHERE aforesaid to A place called the VERBERGH. And if any Person or persons being warned by the Constable of the aforesaid Precinct by order of the said Justice or Justices Shall Refuse to break up the said Road Such Person Or persons Shall forfeit the Sum of nine Shillings for every day they Shall so Neglect or Refuse, to be Levied by Warrant of Any Justice of the Peace Living within the Precinct aforesaid which forfeiture Shall be Applyed for the use of the Said Road

AND be it further Enacted by the Authority aforesaid that this Act Shall only be of force for and Untill the Sixth day of July which will be in the Year of our Lord One thousand Seven hundred and thirty.

[CHAPTER 496.]

[Chapter 496, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Expired November 11, 1731.]

An Act to prevent Desertion from His
Majesties fforces in the province of New York

[Passed, November 11, 1726.]

WHEREAS the Safety and welfare of this Province is greatly Secured by the regular fforces placed therein IN ORDER therefore that His Majesties Subjects Inhabitants of the Same may receive all the advantages ariseing from that His Majesties Royal Bounty and goodness towards them by the keeping up and preserving the said fforces as intire as may be for the publick defence BE IT ENACTED by his Excellency the Governour the Council and the Assembly that if any person or persons whatsoever shall from and after the publication of this Act knowingly Harbour Conceal or Assist any Deserter or Deserters from any of His Majesties said fforces (Such Deserter having been before regularly Listed in any one of His Majesties ffour Independent Companies in this province) or shall Transport Carry or Convey away any Such Deserter or Deserters either by Land or Water or by any manner of means Assist therein or shall receive Entertain aid Comfort or abet Such Deserter or Deserters by takeing or

admitting him or them into any Dwelling House Out House or other place whatsoever or into any Ship Sloop or other Vessel he She or they so doing Shall forfeit for every Such Offence the Sum of Ten pounds Current money of this province with Costs of Suit to be Recovered in any Court of Record in the said Province and by the Oath of One Witness One half thereof to be paid to the Informer or person who shall Sue for the Same and the other half to Such Officer of said Regular forces as His Excellency Shall direct the Officers of said forces being frequently at great Charge and Expence in discovering pursuing and apprehending Such Deserters

AND BE IT FARTHER ENACTED that any one Justice of the peace to whom Information Concerning Such Deserter or Deserters Shall Come may & Shall Issue his Warrant to the next Constable to Search for apprehend and take Such Deserter or Deserters Offender or Offenders and when they or any of them are apprehended and taken the person or persons Deserting shall forthwith be delivered UP to the order of His Excellency the Governour and the person or persons who carried or conveyed away received Harboured aided Assisted or abetted Such Deserter shall by the next Justice upon Complaint and Oath made before him of the Offence or Offences hereinbeforementioned Issue his warrant for and Commit Such Offender or Offenders to the next Goal unless Such Offender or Offenders do Enter into Recognizance with two good and Sufficient Sureties to appear and answer to Such Bill plaint Information or Action of Debt as shall be brought or Exhibited against Such Offender or Offenders for the Offences aforesaid at the next Court of Record or Common pleas to be held in that City or County wherein Such complaint and Oath as aforesaid shall be made.

PROVIDED always that this Act shall not be Construed to Extend to Soldiers or Such as receive or Entertain Soldiers Enlisted in the said Regular forces who by leave from His Excellency the Captain General the Commander in chief for the time being or the Captain or other Commission Officer are permitted to go into the Country for the recovery of their Health or other Necessary Occasions Such Leave appearing under the Hand of his Excellency the Governour the Commander in chief for the time being or of Such Officer as is aforesaid of which all Civill Officers are to take due notice. This Act to be and remain in Force for the space of five years and no longer.

[CHAPTER 497.]

[Chapter 497, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. See chapter 469. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act For Explaining and Enforcing
An Act Entituled An Act to lay different
Duties on the Goods thereinmentioned and
for Regulating the Indian trade in the City
and County of ALBANY for the term of two
Years and for Moderating and Ascertaining
the Fines incurred by former Acts if paid
within the time Limited in this act.

[Passed, November 11, 1726.]

WHEREAS in pursuance and by Virtue of the abovementioned Act of the General Assembly of this Colony ENTITULED An Act to Lay Different Duties on the Goods therein mentioned and for Regulating the Indian trade in the City and County of Albany for the Term of two Years And for moderating and Ascertaining the fines incurred by former Acts if paid within the time Limited in this Act. Passed in the twelfth year of his Present Majesty's Reign The Mayor Recorder and Aldermen of the City of Albany or the Major Part of them Did on the Eighth day of July Last Past Let out to farm by publick Out cry at the City hall of the said City of Albany The Several Dutys imposed by The Aforesaid Act for the two Years therein Mentioned, Unto Phillip Livingston Stephanus Groesbeek Direk Tenbroeck John De Peyster Han Hansen and Cornelius Cuyler all of the Said City of Albany Merchants (being the highest Bidders) for the Sum of fifteen hundred and Sixty pounds Currant money of this Colony for Each of the said two years and for Securing the Payment thereof the Above Named farmers Entered into Such Recognizance with Sufficient Suretys as in and by the Said Act is Particularly and at large directed.

AND WHEREAS it was the true Intent and meaning of the Legislature at the time of making and Passing the aforesaid Act that the Persons who Should become Farmers of the Said Dutys Should not only act Joyntly and in Conjunction in Every matter and thing touching or relating to the dutys aforesaid but Should Likewise keep one Certain office to which all Persons as well

ffarmers as others Intending to transport Dutiable Goods to the Northward or Westward of Albany might Resort for reporting and Entring the respective Quantities of Such goods and to Enter into Recognizance for securing the dutys thereof and thereupon to receive A Licence for transporting the Goods of which the dutys should be so secured To the end the ffarmers aforesaid Might act and proceed in all things Relating to the said Duties in an exact and regular manner and to keep true and Perfect books thereof and thereby be enabled to render such Accounts of the said Duties to the Governour Council and General Assembly as it was Intended and expected by the Legislature at the time of Passing the Act aforesaid. BUT it having been represented to the General Assembly that Such an office as aforesaid has not hitherto been Erected and kept, and that Even some of the Farmers themselves have Absolutely refused to Enter and give an account to the other ffarmers of the dutiable Goods they already have Transported to the Northwards and Westward of Albany or which they hereafter Intend to transport Thither which being directly contrary to the true intent and meaning of the said Act very hurtfull and Prejudicial both to the well meaning Farmer and to the Publick and must more over be attended with A great deal of Confusion if not timely Prevented. BE it therefore Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same in manner and form following. To Witt.

THAT in Case Such an office as is aforesaid be not already Erected in the manner and to the intent beforementioned the Said Farmers or the major part of them Shall Erect one in the City of Albany within Eight days after A Copy of this Act is transmitted to the Mayor of the City of Albany or the first day of January next Ensuing which Shall first happen and by affixing advertisements give Notice at what Place and in what House the same is or Shall be so Erected together with the Name or Names of the Person or Persons to be by them or the Major Part of them appointed in manner herein after directed for Keeping Such Office and for the management thereof. AND Such of the Said farmer or farmers as Shall Neglect or refuse to Erect Such office and give Such Notice within the time aforesaid Shall respectively forfeit unto his Majesty his heirs and Successors the sum of three hundred Pounds Currant money of this Colony to be recovered and Applied as hereinafter Shall be Directed.

THAT all and every one of the beforementioned Farmers Shall

within eight Days after the time last mentioned or at the first Mayors Court that Shall thereafter be held in the City of Albany, deliver in a true full and perfect Account of all the Dutiable Goods which they Respectively have Sent Carried or Transported Or Caused to be Sent Carried or Transported Northward or Westward of the City of Albany from the Eighth day of July last untill the day they respectively deliver in Such Accounts (both Inclusive) AND then and there each and every of the Said Farmers are to take an oath in the said Court upon the holy Evangelist that the Account so as aforesaid delivered in by him does Contain all the Quantities of the dutiable Goods which he has sent carried or transported himself, or has caused to be sent Carried or Transported by any other person or persons or by any manner of Ways or means whatsoever to and for his use in part or in the whole to the Northward or Westward of the said City of Albany during the time above mentioned Which Oath the said Mayor recorder and Aldermen then Sitting in such Court as aforesaid, are hereby authorized and required to Administer unto Such of the Said Farmers as shall Come and tender the same. AND all and every one of the aforesaid Farmers as shall neglect or refuse to render Such Accounts as aforesaid. And Swear Thereto in manner beforementioned within the time above Limited Shall Forfeit unto his majesty his heirs and Successors the Sum of Six hundred Pounds Currant Money of this Colony to be recovered and Applied as hereafter Shall be Directed.

AND Such of the said Farmer or Farmers as Shall and doe at the time and Place abovementioned Swear to have sent Carryed or transported or Caused to be Sent Carried or transported to and for his use in part or in the whole Northward or Westward as aforesaid None of the said dutiable Goods from the said Eighth day of July untill the time of Such Swearing, he or they taking such Oath shall not be Chargeable with Such Duties until that time.

THAT the respective Accounts so to be rendered and Sworn to in manner as aforesaid Shall be fairly entered at the Said Office in A Book or Books there to be kept for that Purpose and each and every one of the s'd Farmers So rendering an Account upon oath as aforesaid Shall respectively Stand Chargeable and be Answerable for the full Duties of all the Goods which Shall be Contained in their Said respective Accounts in as full and Effective A Manner, As if the said goods had from time to

time been Duly Entered and as if Such ffarmer had entered into Recognizance for the Duty thereof in manner as in the aforesaid Act is directed which Said Dutys are to be Computed According to the rates respectively imposed in and by the aforesaid Act.

THAT for the Purposes hereinbeforementioned the Said Farmers or the major part of them Shall and may and hereby are fully Authorized and Impowered to Appoint and Constitute one Or more out of their own Number or any one or more other Person or Persons to Attend the Office aforesaid to keep the books to receive Recognizances and grant Licenses To the Persons entring into Such recognizance or Recognizances AND the person or persons So to be Constituted and Appointed as aforesaid (Whither Farmers or others) Shall have the Sole management of all and Singular the several matters abovementioned; but before he or they Enter upon the Execution of that office Shall take an oath upon the holy Evangelist faithfully and truly to Execute the same and to keep and Render Exact and true Books and Accounts thereof According to the best of his Skill and Understanding. AND all Dutiable Goods whatever (Whither belonging to Farmers or others) which Shall after the time above Limited be Carryed or Transported Northward or Westward without having A Licence for the same from the Person or Persons so to be Constituted and appointed as aforesaid Shall be Forfeited unto his Majesty his heirs and Successors, one half thereof to and for the use of the Said farmers and the other half to and for the use of Such Person or Persons as shall Seize and Sue for the Same in any Court of Record within this Colony wherein no Essoign Protection or wager of Law or any more than one Emparlance Shall be Allowed.

THAT the Person or Persons So to be Constituted and Appointed as aforesaid Shall at all times permit and allow the said Farmers or any of them to View and inspect the books to be kept by him or them And be obliged to render Accounts thereof Unto the said ffarmers or the Major part of them Every three Months if by them thereunto required And Such Person or Persons as likewise the said farmers are hereby also Strictly Charged and required to render Such Accounts to the Governour Council and General Assembly when and as often as they or Any of them Shall require the same, And Such of them as shall refuse deny or neglect to render Such Account to the Governour Council Or General Assembly from time to time Shall forfeit to his Majesty

his heirs and Successors the Sum of One hundred Pounds Currant money of this Colony for every Such refusal or neglect to be recovered in any of his Majestys Courts in this Colony by any Person or Persons that Shall Sue for the Same by Bill Plaint or Information wherein no Essoign Protection or Wager of Law or more than one Imparlance Shall be admitted or Allowed which Forfeiture is to be Disposed of one half to the use of the Person or Persons that shall sue for and recover the same and the other half to such use or uses as the Governour Council and General Assembly for the time being hereafter Shall Direct.

AND WHEREAS it is in and by the beforementioned Act Particularly Enacted that all and every Person or Persons within the Said City and County of Albany Should on or before the Eighteenth Day of July Last deliver or cause to be delivered unto the ffarmers of the said Duty A just and true account Sworn to by them respectively of what quantity of the Goods thereby made Dutiable they respectively had in their Possession Or in the Possession of Any other Person or Persons to and for their use, and On failure thereof to forfeit the Sum of three hundred Pounds as in and by the said Act, Relation being thereunto had may more at Large Appear. AND WHEREAS Some of the Said Farmers have Denied and Refused and still do deny and refuse to give Such Just and true Accounts, as in the said Act is directed Under Colour and Pretence that they being concerned and Interested in the Farming of the said Dutys, are not Liable to give Such List or Accounts. AND forasmuch as such Omission and Obstinacy is Contrary to the true Intent and meaning of the aforesaid Act, and will occasion Confusion Among the Farmers And A Prejudice to the Publick if not timely Prevented. BE IT therefore Enacted by the Authority aforesaid That all and every one of the beforenamed Farmers, and all other Persons within the said City and County of Albany, as have not on or before the said Eighteenth day of July Last or at Any time Since given Or delivered in Such Just and True Accompts as in and by the aforesaid Act is Enjoyed and directed Shall and do Respectively within fourteen days after the time Last mentioned give and deliver In the Same unto the person or persons that Shall be Constituted and Appointed in manner herein before directed And every person or Persons whether Farmers or others that Shall neglect or refuse to give and deliver Such List or Account upon oath (to be taken before any one Justice of the peace within the said City or County who is hereby impowered and Required to

administer the Same) Unto the Person or Persons to be Constituted and Appointed as aforesaid, On Or before the time above Limited Shall forfeit to his Majesty the Sum of Three hundred Pounds mentioned and Exprest in the aforesaid Act and to be recovered in the same manner as therein is Particularly and at Large Enacted.

BE it also Enacted by the Authority aforesaid That of all the Strouds which Shall be in the City and County of Albany at the day and time Last mentioned, Every Person or Persons to whom they shall Or do belong, or in whose Custody they are, Shall give A just and True Account or List thereof unto the Person or Persons So to be Constituted and Appointed as aforesaid, First Swearing thereto before any one Justice of the Peace within the Said County (who is hereby Authorized and required to administer the same) that such account or List does Contain the full Quantity of Strouds then in his Possession or in the Possession or Custody of any other person or persons to or for his use Either in Part or in the whole. AND if any Person or Persons (whither Farmer or others) Shall refuse or Neglect (Eight days after the same shall be required or demanded by the person or persons to be Constituted and Appointed as aforesaid) to give in Such List or Account upon Oath Shall forfeit unto his Majesty the Sum of Three hundred Pounds to be recovered in manner aforesaid one half thereof to and for the use of the farmers or any other Person or persons that Shall Sue for the Same, and the other half to such use or uses as the Governor Council and General Assembly hereafter Shall direct.

AND to the End it may be truly known what Quantity of Strouds are in the City and County of Albany at the time Last mentioned And that the duties imposed by the aforesaid Act may not be Eluded, BE it further Enacted by the Authority aforesaid That the Said farmers or the Major Part of them Shall have full Power and Authority to make one Common Seal or Stamp (Such as they or the major part of them shall think fitt to devise) which shall be put either under the Custody and in the keeping of the person or persons which they or the major part of them Shall Constitute or Appoint as aforesaid or in the Custody and keeping of Such other person as the Said Farmers or the major part of them Shall think Proper and the person or persons which the said farmers or the major part of them Shall so Appoint to be the Sealer or Stamper of Strouds Shall before he Enters upon that office, Take an oath upon the holy Evangelists before the

Mayor or any two Aldermen (which they are hereby authorized and required to Administer) that he Shall and will from time to time give and deliver a true full and Just Account in Writing to the office aforesaid of all and every peice of Strouds which he Shall Seal or Stamp with the Seal or Stamp aforesaid, together with the Name or Names of the Person and Persons in whose Possession or Custody the Same shall Or may be.

AND be it further Enacted by the Authority aforesaid, that When A Stamper or Sealer Shall be So appointed he Shall and may Stamp and Seal all and every peice of Strouds which Shall be in the Said City and County at the time herein Last Limited with one Single Seal or Stamp (and no more) on Each peice upon Such part thereof as may be most Visible and Least Subject to be rubbed off. And every peice of Strouds which shall thereafter come in the Said City and County during the aforesaid two Years shall be Stampd or Sealed in Like manner AND upon all the Peices of Strouds that Shall be Entered ffor transportation and of which the dutys Imposed by the aforesaid Act Shall be paid or Secured to be paid in the manner directed by the Said Act And as Shall herein after be further Directed, he Shall Put a Second Stamp or Seal upon every piece of Such Strouds, PROVIDED it be first Certified from the said office that the dutys thereof are So paid or Secured to be paid as aforesaid.

AND if Such Sealer or Stamper Shall presume to put A Second Stamp or Seal upon any Strouds whatever before it be So Certified unto him as aforesaid he Shall forfeit unto his Majesty his heirs and Successors the Sum of Ten Pounds for every peice of Strouds he Shall so presume to put a Second Seal or Stamp upon to be recovered in manner aforesaid, one half to the use of the said Farmers and the other half to any person or persons that Shall Sue for and Recover the Same.

AND be it farther Enacted by the Authority Aforesaid That the Stamper or Sealer aforesaid Shall have and Receive for the first Seal or Stamp which he Shall put upon Strouds in manner aforesaid three pence for every Peice. And the Like Sum of three pence for the Second Seal or Stamp he Shall Put thereon when it is Entred for Transportation in manner as aforesaid, to be paid by the said Farmers who Shall and may deduct the Same out of the Dutys farmed by them, Any thing in this act or the former to the Contrary Notwithstanding.

AND if Any Person or persons Shall presume to Counterfeit the Said Seal or Stamp during the two Years for which the Said

dutys are farmed he She or they So Counterfeiting the Same Shall forfeit Unto his Majesty his heires and Successors the Sum of One thousand Pounds to be recovered in manner aforesaid one half whereof to and for the use of the Said Farmers and the other half As the Governour Council and General Assembly hereafter Shall Direct, AND to the end well meaning people may not be brought into A premunire by the refusal or Neglect of the Sealer or Stamper above mentioned, BE it Enacted by the Authority aforesaid that if any person or persons Strouds Should be Seized who have Actually Applied for having the Same sealed or Stamped as in this Act is Enjoynd and directed the Said Sealer or Stamper Shall be Liable and Answerable to the owner and owners of such Strouds for all the Cost and Damages Which he She or they may Sustain by means of Such refusal or Neglect as Aforesaid.

AND be it farther Enacted by the Same Authority That all Such Strouds as shall be found in the City and County of Albany ten days after the time hereby Limited for the Sealing thereof without having Such Stamp or Seal thereon as aforesaid And Likewise all Strouds that Shall thereafter be brought into the Said City or County during the aforesaid two Years which Shall not have Such Single Stamp or Seal thereon within four days after the Respective Arrival of the Same. The Said Farmers or Any of them Or any other person or persons whatsoever Shall and may Seize all Such Unstampd or Unsealed Strouds in Whatsoever place or places they or any of them shall be found within the Said City or County and being so found and Seized all Such Unstampd or unsealed Strouds as aforesaid are and Shall Be forfeited Unto his Majesty his heirs and Successors to be recovered in manner aforesaid and Applyed one half to and for Such use or uses as the Governor Council and General Assembly Shall hereafter Direct and Appoint and the other half to and for the use of the Said Farmers or Such other person or persons as Shall So as Aforesaid Seize and Sue for the Same

AND be it further Enacted by the Authority aforesaid That on all Such Strouds as Shall by the Mayors Court of Albany And Likewise by the office aforesaid be Certified to have been Sworn in the manner beforementioned were Sent Carried or transported between the Said Seventeenth of June and Eighth of July Last AND that the double duty thereof has been Secured according to the true Intent of this and the before mentioned Act. It shall and may be Lawfull to and for the said Sealer or Stamper to

put three Seals Thereon the owner of Such Strouds paying him three pence for Each Such Seal And the Said Strouds being So Stampt Or Sealed with Such three Seals Shall and may then be transported Westward (if so Sworn to) and Northward (if so Sworn to) without being Subject to any other or farther Duty Or Liable to any Seizure or Forfeiture, any thing herein to the Contrary hereof Notwithstanding

AND be it further Enacted That all Such Strouds as Shall be found one mile or Upwards out of the City of Albany after the time herein Last mentioned without having Such second or third Seal or Stamp thereon as aforesaid, Shall Likewise be forfeited unto his Majesty his heirs and Successors to be recovered in manner aforesaid, and applyed One half to and for Such use or uses as the Governour Council and General Assembly Shall hereafter Direct, and the other half to and for the use of the Said Farmers PROVIDED that all Such Strouds as upon the oaths of two or more Credible Witnesses (to be taken in the aforesaid Mayors Court) Appear To have been Actually Sent Carried or Transported to the Westward of Albany at any time or times before the Said Seventeenth day of June Last Shall not be Subject or Liable to the seizure or Forfeiture Last mentioned any thing herein to the Contrary notwithstanding

AND for the better Detecting Strouds that may be Concealed With a fraudulent Intention, BE IT ENACTED by the Authority aforesaid That it Shall and may be Lawfull to and for the Said Farmers or any of them as often as they Shall have just Cause to Suspect Such Fraudulent Concealment of Strouds To make Strict Search for the Same in all Place or places Whatever within the Said City or County whether it be by Day or in the Night And what Strouds they may discover not Stampt or Sealed in the Manner beforementioned Shall be Subject to the like Seizure and Forfeiture and to be Recovered and applyed as in the foregoing Clause is directed.

AND Whereas Concerning the releif mentioned to be Intended by the aforesaid Act in favour of the Persons that Should Farm the duties thereby Imposed Some Disputes may arise Especially Since some of the Said Farmers have hitherto Fefused to render Accounts to the rest As is hereinbeforementioned, Be it declared to have been the true Intent and meaning of the Legislature at the time of making and passing the said Act and be it hereby Enacted by the Authority aforesaid That if the said Farmers Shall and do not Erect Such an office as is hereinbefore directed

at or before the time hereby Limited and therein keep Such Exact and regular Books of all and every part of the said dutys and render Accounts thereof From time to time to the Governour Council and General Assembly as is herein before directed. AND Shall not truly and bona fide Account to Each Other for all The Dutiable Goods by them respectively Sent Carryed or Transported as aforesaid and fully enter the Same in the Said Office They and Each of them failing in Any of these Particulars Shall not be Entitled to or have any Releif or Abatement whatever, out of the Annual or Totall Sum for which the Said Dutys have been farmed, Altho' Such Dutys Should fall Short of the Sum the Same are farmed at

AND if the Said Farmers Shall in all things well and truly Comply with all and Every the directions contained in this Act and use Their utmost Endeavors to make the most of the dutys aforesaid And Notwithstanding Be Sufferers thereby, and thereupon at the end of their Term apply for the Releif And Abatement abovementioned, Be it declared and Enacted by the Authority aforesaid That the full of all the dutys imposed by the said Act and Arisen or to Arise upon all the Goods thereby made Dutiable, Which have been or Shall be Sent Carryed or Transported in manner as aforesaid by farmers as well as all other persons from the Eighth day of July last until the Eighth day of July which will be in the Year one thousand Seven hundred and twenty Eight Shall be added together as also the whole benefit they Shall reap by or from the double duty herein after particularly mentioned and the amount of both deducted from the Sum, the Same were farmed at for the said Term of two Years Being Three thousand one hundred and twenty Pounds and So much as the Whole of Said dutys and benefit may fall Short of the Sum Last mentioned Shall be the Sum they Shall be relieved for and no more, And no manner of Consideration Shall be had nor any allowance made to the said Farmers for their or any of their Trouble pains Expence or Charges in and about the Said Duties whether done by themselves or any others in their behalf the Same being to be held and accounted in Lieu of the prospect and Advantage they proposed to themselves by the said Farming, Nor Shall the Said Farmers be Entitled to the abatement abovementioned (tho they Should be Losers as aforesaid) Until they first have taken the oath which in that behalf by the aforesaid Act is directed. PROVIDED that nothing herein Contained Shall be Construed to Excuse the said Farmers from Pay-

ing annually the respective Sums they have entered into recognizance for

AND WHEREAS Some People of Canada and other Itinerant and Transient Persons are Said to have demanded Licence for Transporting Dutiable Goods to the Northward and Westward And it being Evident that if Licences were granted to Such Persons the Farmers would run the hazard either of Loosing the dutys of Such Goods, or if denyed forfeit (According to the aforesaid Act) the Sum of two hundred pounds Which being highly unreasonable, Be it Enacted by the Authority afores'd That if Such Persons as are abovementioned Should Desire Such Licence or Licences as aforesaid he or they Shall produce A freeholder or Some other Sufficient Inhabitant of the said City and County of Albany to become Joyntly and Severally Bound with him or them for payment of the Dutys due and Payable for the Goods they Respectively Shall desire a Licence for, And if Such Freeholder and Inhabitant Shall not be produced and become bound by Recognizance in manner aforesaid, for paying the said Dutys at or before the time Limited by the aforesaid Act, it Shall and May be Lawfull to and for the Said Farmers to deny or refuse a Licence or Licences to Such Itenerant or transient person or persons as aforesaid without Incurring the penalty in the Behalf Laid and inflicted on the Farmers in and by the Act aforesaid, Anything Contained therein to the Contrary notwithstanding

AND WHEREAS in and by the aforesaid Act (for the reasons therein mentioned) A Double duty was Imposed on all the Goods thereby made Dutiable which Should be Sent Carried or Transported Northward or Westward of ALBANY from the publication of the Said Act, being the Seventeenth day of June Last until the Eighth day of July following, And Methods therein prescribed for the recovery of the Said Double dutys as in and by the Same Act relation being thereunto had may more fully and at Large Appear. AND WHEREAS Not only several Persons, but even those who afterwards became Farmers in manner as aforesaid did (As it is Credibly Alledged) within the Space of time above mentioned, Send Carry or Transport Vast Quantitys of Dutiable Goods both to the Northward and Westward of the said City doubtless with A View and Intent to elude the different duties imposed by the Act first mentioned, which Selfish Intention Must be Looked upon of a higher Nature in the Said Farmers than in others Because it must be Concluded they designed to become Farmers at the Same time they so Sent Carry'd or Trans-

ported out of the Way Such Dutiable Goods as aforesaid during the Space of time abovementioned, BE it therefore Enacted by the Authority aforesaid that all and every one of the Afore named Farmers Shall at the time hereinbefore mentioned for them and Each of them to Deliver in and Swear to Such Accounts Respectively As is herein before directed, Appear of their own Accord at the Mayors Court then to be held in the City of Albany as aforesaid and then and there respectively deliver in a full and true account of all the Dutiable Goods Each of them have sent Carryed or Transported Northward or Westward of Albany from the Said Seventeenth day of June Inclusive until the said Eighth day of July Exclusive Which Accounts they are respectively to Swear on the holy Evangelists in the Said Court does Contain the full Quantity of Dutiable Goods Which Such Farmer has Sent Carryed or transported in manner aforesaid Within the time abovementioned, Which Account and Accounts being So Sworn to Shall by the Said Court be Transmitted to the office herein appointed to be Erected where the Same are respectively to be Entered by the manager Or Managers of the said Office in a Book or Books to be by him or them kept for that Purpose, AND Such of the said Farmers as shall then and there Swear to have sent Carry'd or transported none of the Said dutiable Goods during the Interval of time abovementioned Shall thereupon be free and Acquitted of Such double dutys as aforesaid and all Such of the said Farmers as Shall declare upon Such Oath as aforesaid the full Quantity of Dutiable Goods by them or for their use Sent Carry'd or Transported in Maner as aforesaid during the beforementioned time Shall Stand Chargeable and Answerable for the double duties thereof to and for the use and uses hereinafter directed, AND forasmuch as it is Said that some of the aforenamed Farmers have Sent Carry'd or Transported Great Quantities of the said Dutiable Goods out of the way during the Interval Abovementioned, BE IT farther Enacted by the Authority aforesaid that all Such of the beforenamed Farmers, As Shall and do not Appear of their own Accord in the said Mayors Court at or before the time hereinbefore Appointed and then and there take the oath hereby directed Shall forfeit unto his Majesty his heirs and Successors over and above the one hundred Pounds in that behalf Inflicted by the Act aforesaid a further Sum of five hundred pounds Lawfull money of this Colony to be recovered in manner aforesaid and Applied as hereinafter Shall be Directed

AND be it further Enacted by the Authority aforesaid That the beforenamed Farmers or the major part of them Shall and may Summons all and Every Person or Persons by them Suspected to have Sent Carried or Transported or Caused to be Sent Carried or Transported Dutiable Goods Northward or Westward of Albany during the Space of time beforementioned to Appear at the Mayors Court aforesaid by A Certain Day in Such Summons to be Appointed. AND to take out A Second or third Summons (Not Less than Eight Days between Each Sumons) Against Such as Shall not Appear when Summoned as aforesaid, And upon their or any of their appearing in the Said Court They and Each of them are hereby required to deliver in Such Account and to take Such oath as in that behalf hereby is directed to be done by the Farmers aforesaid, AND All Such of the Said persons as shall then and there Swear to have Sent Carryed or transported or Caused to be Sent Carryed or transported None of the Said Dutiable Goods, to the Northward or westward of Albany within the Intervall of time abovementioned Shall thereupon be Free and Acquitted of Such Double Duties as aforesaid and all and every of Such person or persons as shall So Appear as aforesaid, and Swear to the full Quantity of Dutiable Goods by him or her Sent Carryed or Transported or Caused to be Sent Carryed or transported from Albany in manner aforesaid during the Said Interval of time Shall Stand Chargeable & answerable for the double dutys thereof to and for the use and uses hereinafter directed. Which Accounts and oaths are respectively to be Transmitted and Entered in Manner As hereinbefore is Directed and appointed, And all Such of the Said persons as shall refuse to deliver in Such Account and take Such Oath as hereby is Directed or Shall and do Not Appear in the Said Court upon the third Summons as Afores'd (Cases of Dangerous Sickness excepted) Shall forfeit (Oath being first made that at Least one of the Said Summonses has been personally Served upon the person thereinamed) Unto his Majesty his heirs and Successors over and above the one hundred pounds in that behalf inflicted by the aforesaid Act A farther Sum of four hundred pounds Lawfull money of this Colony to be recovered in manner as aforesaid and Applied as hereinafter Shall be Directed

AND be it further Enacted by the authority aforesaid, That if the Said Farmers or the greater Number of them Shall neglect or delay for the Space of one month after the time herein Last Limited to Summons such Suspected persons as aforesaid in the

manner hereinbefore mentioned and directed it Shall and may then be Lawfull to and for any other person or persons to take out Such Summons or Summonses against Such Suspected Person or persons as aforesaid, and in all things proceed thereon in the same Manner as the said Farmers are hereby Impowered, to do Which shall in Such Case be of the Same effect and to the same purpose as if done by the said Farmers or the major part of them, And the Said Mayors Court is hereby directed to take notice hereof and to Govern themselves Accordingly.

AND for the effectual recovery of the aforesaid Double duties and the forfeitures in that behalf Inflicted, BE it further Enacted by the Authority aforesaid That the Said Mayors Court of Albany Shall and hereby is fully Authorized and required to administer all and every the Oaths hereby directed to be taken before them and that they Shall and do Certify the Same Respectively to the Office hereinbefore mentioned in the Mannor hereinbefore directed within three days after their administering Such Oath or Oaths, AND that they shall and do also within the time Last mentioned, Certify unto the said Office the Name & Names of Such Person or Persons as have not Appeared before them upon Such third Summons as aforesaid, as also the Name and Names of Such of the said Persons as upon Such Appearance did refuse to render Such Account and take Such Oath as in and by this act is directed, AND all Such Certificates from the Said Court Shall be good and Sufficient proofs in Law in Any Court or Courts within this Colony For the recovery as well of the double duties aforesaid as of the Fines and Forfeitures in that behalf inflicted by this and the beforementioned Act, AND the Mayor Recorder and Aldermen of the said Court refusing to administer Such oaths or delaying to Transmit Such Certificates in mannor as above Directed Shall respectively forfeit Unto his Majesty his heirs and Successors the Sum of fifty Pounds to be Recovered of Such of them As Shall be Guilty of Such refusal or delay as aforesaid to be recovered in any Court of record within this Colony by bill, plaint or Information wherein no Essoigne protection or Wager of Law or more than One Impar lance Shall be allowed one half whereof for the use of Any person or Persons that Shall Sue for the Same and the other half to Such use as shall hereinafter be directed

AND be it further Enacted by the Authority aforesaid That all the monys arisen or to arise by the doubled dutys beforementioned Shall be applyed in manner following, That is to Say,

One full half thereof (without any manner of Deduction) for the use of his Majesty to be Immediately or As soon as may be after the receipt or recovery thereof remitted to the Treasurer of this Colony for the time being and to be Applied to Such use and uses as the Governour Council and General Assembly by this or any Subsequent Act Shall direct and Appoint. AND of the remainder so much thereof to and for the use of the Said Farmers as they or the Major Part of them Shall recover. AND what may be recovered by others upon the delay Or Omission of the Said Farmers in manner As beforementioned Shall be to and for the use of Such person or Persons as Shall Recover the Same, ALWAYS provided that the full half thereof Shall be for the use of his Majesty and Applied as aforesaid.

BE IT also Enacted by the Authority aforesaid That whatever Benefit Shall accrue to the said Farmers by means of the aforesaid double Duties Shall be added to the Amount of all the dutys herein before mentioned to be farmed by them, And if both fall short at the end of their term of the Sum they farmed the Same for, They are in Such Case to be relieved of So much only if the same might happen to fall Short as herein before is mentioned and Expressed

AND be it farther Enacted by the Authority aforesaid that all the Fines penaltys and forfeitures Lay'd directed and Enjoyed by this Act (not being thereby particularly applied) as also one full half of the double dutys therein mentioned Shall be paid into the Treasury of this Colony and be Applied and Disposed of to and for Such use and uses as the Governour Council and General Assembly for the time being by Act or Acts hereafter to be made and passed for that purpose Shall be directed and Appointed

AND whereas in and by the beforementioned Act (for the Reasons thereinmentioned) an abatement and Concession was made of the fines and Penaltys Incurred by former Acts of the General Assembly if the Sum and Sums So Conceded were Voluntarily paid at or before the time Limited in the Said Act, AND WHEREAS it has been Suggested that Some of the Persons Subject to the Said Fines and penalties out of their own Obstinacy, and Some by the Insinuations of others Slight the Concession So as aforesaid made in their Favour and that they do not Intend to pay the Same.

BE it therefore Enacted by the Authority aforesaid That all and Every of Such Offenders as Shall & do not Bona fide Pay

the Respective Sums So Conceded in the Said Act at or before the Time therein Limited Shall have no manner of Benefit of the Concession or Abatement aforesaid But Stand Liable to the full fines and Penalties mentioned Inflicted and Enjoyed in the Act or Acts heretofore made for prohibiting A Trade with the French, To be Recovered in and by Such Ways and means as in and by the Said Act or Acts or Either of them Are prescribed & directed or by Such other ways & means as by Act or Acts of the General Assembly hereafter to be made for that Purpose Shall be Directed and prescribed

PROVIDED Nevertheless that all Such of the said Offenders as Shall and do on or before the time So Limited as aforesaid Deposit in the hands of the present Mayor or recorder of the City of Albany the Sum or Sums so Conceded as aforesaid, Shall have the full Benefit of the Concession mentioned in the Act aforesaid

AND the said Mayor and Recorder shall Remit unto the treasurer of this Colony as soon as Conveniency or Opportunity will Allow the Sum or Sums of money Which Shall so as aforesaid be deposited in their hands together with the name and names of the person or persons paying the same

[CHAPTER 498.]

[Chapter 498, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Expired January 1, 1728.]

An Act To Appoint an Agent for the
Colony of NEW YORK at the Court of Great
Britain for the time therein mentioned

[Passed, November 11, 1726.]

WHEREAS It is highly Necessary that his most Sacred Majesty Should at all times be Informed of the true State and Condition of this his Colony of New York as well as of his Loyall Subjects Inhabiting the Same BE IT ENACTED by his Excellency the Governor Council and the General Assembly and it is hereby Enacted by the Authority of the Same, (That Peter Le Heup Esq'r) be and Is hereby appointed Agent for this Colony for and during the term of one Year to Commence the first day of January now next Ensuing to Attend upon his Majesty and his Ministers of State Pursuant to Such directions as he (during the Said term) Shall receive either from the Governour and Council, or from the General Assembly of this Colony, Pro-

vided Such directions and Instructions as Shall be given by the Governour and his Majesty's Council of this Colony be Signed by the Governour and the Major part of the Said Council and Such Directions as Shall be Given him by the General Assembly Shall be Signed by the Speaker and the Major part of the Said Assembly during their Sitting. And upon their Recess Adjournment or Prorogation by the Speaker thereof in their behalf And that the Said Agent Shall not (within the time Aforesaid) observe any other orders Directions or Instructions but Such as he shall receive So Signed As above is Directed, And to the end the Said Peter Le Heup may be the better Enabled to discharge the trust reposed in him for the benefit and Advantage of this Colony Be it farther Enacted by the Authority aforesaid that the Treasurer of this Colony for the time being shall out of Any Unappropriated Publick money that now is or hereafter Shall be in the treasury remit by Good Bills of Exchange to the Said Peter Le Heup or to his Assigns the Sum of One hundred and Fifty Pounds Current money of this Colony for his Sallary and reward, As also A farther Sum of fifty pounds Like Currency to be Employed and disbursed by him for fees Sollicitations and other Necessary Charges for the Service of this Colony, to be Accounted for by the said Peter Le Heup to the Governour and Council as also to the General Assembly, Provided that the above mentioned two Sums Shall not be Remitted to the Said Agent but by an order of the General Assembly to this Province, Signed by the Speaker of the Same for the time being

[CHAPTER 499.]

[Chapter 499, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 322. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act For Regulating and Securing the
INDIAN Trade to the Westward of Albany
and for defraying the Charge thereof.

[Passed, November 11, 1726.]

WHEREAS In and by An Act Entituled An Act to Lay different Duties on the Goods therein mentioned, And for Regulating the Indian Trade in the City and County of Albany for the terme of two Years And for Moderating and Ascertaining the Fines Incurred by Former Acts if paid within the time Limited

In this Act, Passed in the twelfth Year of his present Majestys Reign, All persons going to trade with the Indians Westward of Albany were (among other Restrictions) Enjoined not to trade or traffick with them Until they came to the Falls of ONONDAGE River or farther Westward on the penalty therein mentioned As in and by the said Act Relation being thereunto had may more at Large Appear.

AND WHEREAS the Inhabitants of this Colony have since Extended the Said Trade beyond the Place Abovementioned, And being So Carried on in remote places it has (as it is Alledged) Tempted Some of the Traders aforesaid to use the Indians Trading with them in an unjust and Sometimes in a Violent manner: Which might not only Discourage the Indians from Coming to trade with our People but be Attended with very fatal Consequences, if Such ill Practices Should prevail, among such of the said Traders as will not Stick to Sacrifice the publick Good to their Private Advantage

FOR prevention whereof and for regulating as well as Securing the Trade aforesaid BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same That As soon as A Proper Season will Permit, there Shall be built and Erected Such Conveniency for Accomodating Securing and Regulating The Trade aforesaid in Such manner and at such Place Either at the said Falls or beyond the Same, As His Excellency the Captain General Shall Direct and Appoint.

AND for the regular and orderly Carrying on and Compleating the Same the General Assembly Pray it may be Enacted and be it Enacted by the Authority aforesaid That his Excellency do Commissionate and Appoint A Discreet and Judicious Person to be the Commissary not only for Inspecting Ordering and directing the building and Compleating the Conveniencys hereby Intended And doing and ordering all other matters Relating thereto but Likewise ffor Regulating the Indian Trade at the Place where it Shall So as aforesaid be thought proper to Erect the Same

AND forasmuch as such Conveniencys are Chiefly Intended for the Accomodation of the people who Shall from time to time go thither to Trade with the Indians Be it Enacted By the Authority aforesaid that all and Every person or persons who Shall take out A Licence or Licences to trade Westward of Albany and thereupon proceed to trade accordingly, Shall be and hereby Is Obliged each and Every of them Either by himself,

or an able Workman in his room, to work at such part Or parts of the s'd Conveniencys, as well for Building as for Compleating the same, and in Such manner and for Such number of Days as the Commissary aforesaid Shall order and Direct, PROVIDED that the whole quantity of Days for Each man in one Season does not Exceed the Number of Six Days

AND for Enjoyning the Said Traders to work in manner afores'd Be it farther Enacted by the same Authority, That all and every person and persons taking Licences and going to trade with the Indians in manner before mentioned who Shall not perform to work in manner as above Directed, Or shall not produce A Certificate of his having done So from the Said Commissary Directed to the Mayor or recorder of Albany, Every Such Trader failing therein Shall forfeit the Sum of ten Shillings for Each Day Such person or persons Shall refuse or Neglect to work as is above directed to be recovered before the Said Mayor or Recorder being Assisted by one Alderman by Any Person that Shall demand or Sue for the Same, One half to the use of Such Person, And the other half to and for the use of Building and Compleating the Conveniencys aforesaid to be Lodged with the Said Mayor for the End herein After Mentioned, And the not producing Such Certificate or Certificates as aforesaid Shall be Sufficient Proof to Convict the offender and Offenders, and the Judgment to be given thereon in manner aforesaid Shall be Definitive, and if not Complied with Execution Shall thereupon be awarded Accordingly.

PROVIDED that if the Commissary aforesaid Shall not have Occasion or See Cause to Imploy Such Traders for the Number of Days above mentioned, And Shall Certify in manner as aforesaid That So many days work has been Performed by Each of the Said Traders as was required of him or them by the Said Commissary, The fine and penalty Enjoyn'd by the Clause Last mentioned Shall then and in Such Case not Affect the Trader or Traders producing Such Certificate Unless he afterwards neglect or refuse to Compleat the aforesaid Number of Days, if required by the Said Commissary.

AND to the End the Said Mayor may know what persons go to trade in manner as Aforesaid Be it Enacted by the Same Authority that the Managers of the Office directed by An Act hereinafter mentioned to be Erected in the City of Albany Shall from time to time send unto the Said Mayor Lists of the Name and Names of Such person and persons as Shall take out Licences To trade to the Westward of Albany.

BE it also Enacted by the Authority aforesaid that in every Canoe Which Shall go to Trade westward as aforesaid there Shall be Carried at Least one Good Ax to be made use of by the person or persons that Shall be required to Work in manner as aforesaid, And Each Canoe not carrying Such wood ax Shall forfeit the Sum of twenty Shillings to be recovered And Applied in manner aforesaid from the head man of Such Canoe, or the person who shall be first Named in the Said Licence.

But forasmuch as Money will be required to and for the purposes aforesaid and for defraying the Several Contingent Charges which necessarily will Accrue in and about the Same. BE it farther Enacted by the Same Authority That A Sum not Exceeding the Sum of three hundred pounds Shall and hereby is Appropriated out of the Double dutys Fines and Forfeitures already Arisen or hereafter to Arise by Virtue of the Act herein first Mentioned, or by Virtue of an Act passed this present Sessions Entituled an Act for Explaining and Enforcing An Act Entituled An Act to Lay different duties on the Goods therein mentioned, and for regulating the Indian Trade in the City and County of Albany for the Term of two Years and for moderating and Ascertaining the Fines Incurred by former Acts, if paid within the time Limited in this Act, to be Employed to and for the use and purposes herein beforementioned, and to and for no other use or purpose Whatsoever.

AND forasmuch as it may So happen that the moneys to arise in manner aforesaid, Should not Come in the Treasury soon enough to Answer the Service hereby Intended, And to the end no Obstruction may happen therein, Be it farther Enacted by the Authority aforesaid That it shall and may be Lawful for the Treasurer to Apply to and for the use and Purpose Intended by this Act out of the duty's Farmed by the Act first mentioned A Sum not Exceeding the Sum of one hundred pounds, Which Sum being so Borrowed Shall be replaced and made good again by the Said Treasurer As soon as he shall thereunto be Enabled by means of the double duties Fines and Forfeitures aforesaid, And in Case they Should prove Insufficient to Answer the same, Such Deficiency Shall then and in Such Case be made up by Such other ways and means as the General Assembly hereafter Shall direct, it being their Sincere Intention That Such part of the Said Duties as are appropriated for Fortifying the City of Albany

Shall not be Lessened but be Employed to and for that use, and to and for no other use or Purpose whatsoever.

AND be it farther Enacted by the Authority aforesaid, That the moneys hereby Assigned and Appropriated to and for the use herein before mentioned Shall be paid from time to time by the Treasurer upon Warrants to be Drawn by his Excellency in Council wherein are to be mentioned the use and uses by this Act intended, And Such Warrant or Warrants being Endorsed by the person or persons to whom the Same Shall be made Payable Shall be good & Sufficient Vouchers & Discharges in the Law to the said Treasurer for so much as therein shall be mentioned and Exprest.

AND for the regular and Orderly carrying on of the Said Indian Trade, Be it Enacted by the Authority aforesaid, That Immediately after the Conveniency's herein before mentioned Shall be built or the place marked out where the Same Shall be Erected in Manner as aforesaid All Persons taking out Licences to trade with the Indians Westward of Albany and thereupon going thither to trade with them, Shall trade with the Said Indians At Such place So built upon or markt out as aforesaid, and at no other place or places and all Such of the said Traders as shall Presume to Trade with Indians above five hundred Yards Distant from the said place Shall forfeit unto his Majesty his heirs and Successors the Sum of fifty pounds Current money of this Colony to be recovered of all and Every Such Offender or Offenders upon the Oath of One Credible Witness Or A Certificate from the Said Commissary in any Court of record within this Colony by bill plaint or Information wherein no Essoign protection or Wager of Law or more than one Imparlance Shall be Allowed, One half whereof to and for the use of any person or persons that Shall Sue for and Recover the Same, and the other half to and for building the Conveniences before mentioned and Defraying the Charges and Expences Incident to the maintaining & repairing of the Same, PROVIDED that all other parts of the Indian trade Shall remain in the same manner as it Stands regulated in and by the two Acts herein before mentioned.

AND for as much as the only End of Confining the Indian trade in manner aforesaid is to put the Same under a Good Regulation, and to prevent all Fraudulent Dealings with and Impositions upon the Indians, as well to Endear them to the

British Interest, As for Encouraging them to trade with the Inhabitants of this Colony, Be it Enacted by the Authority aforesaid That the Commissary for the time being who Shall be Commissionated and appointed at the Place and in the manner before mentioned Shall have full power and Authority To regulate the Said Trade and that when any difference or dispute happens there between our traders And any of the Indians Trading with them to hear and determine the Same and the Judgment or Judgments to be given thereupon by the s'd Commissary shall be definitive and Such Trader or traders as shall not be Concluded by Such Judgment and Comply therewith Shall Forfeit unto his Majesty the Sum of fifty pounds to be recovered and Applied in manner aforesaid And it shall and may also be Lawfull for the Said Commissary to hear & Determine Differences between Trader and Traders and if the Sum in Controversy does not Exceed the Value of forty Shillings his Judgment thereon Shall be Definitive & Conclusive to the Party's But if the matter in Dispute Exceed the Sum abovementioned, An Appeal shall Lye and be Allowed of According to Law.

AND be it further Enacted by the Authority aforesaid, That all the Fines and Forfeitures Enjoyed and directed by this Act (not being thereby otherwise Applied) Shall by the Court or persons recovering the same (in the manner beforementioned) be Immediately or As soon as may be after the recovery thereof be remitted into the Treasury, And the Same being So remitted Shall by The Treasurer be Carried to the Credit of the Moneys hereby Appropriated to and for the uses and Services hereinbeforementioned, And it Shall and may be Lawfull to and for the Said Treasurer to Issue the Same for the Said Service upon Such Warrant or Warrants as are herein beforementioned and Directed

AND be it further Enacted by the Authority aforeSaid that this Act and Every Clause matter and Thing therein Contained Shall be of Force untill the Eighth day of July which will be in the Year one thousand Seven hundred and twenty Eight, and from thence to the End of the next Sessions of the General Assembly.

THE NINETEENTH ASSEMBLY.

First Session.

(Begun Sept. 30, 1727, 1 George II, William Burnet, Esq., Governor.)

[CHAPTER 500.]

[Chapter 500, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 323. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act For Defraying the Cost and Contingent Charges of the Trading house Erected at Oswego and the maintaining it during the time therein mentioned for applying Several Fonds and borrowing A Certain Sum out of the Excise for that purpose. For the effectual recovery of former fines and Forfeitures for continuing the different dutys on Indian Goods during the time therein mentioned and for making good the money So to be borrowed of the Excise.

[Passed, November 25, 1727.]

WHEREAS in and by one Act of the general Assembly Entituled an Act for regulating and Securing the Indian trade to the Westward of Albany and for defraying the Charge thereof passed in the thirteenth Year of his Late Majestys Reign the Sum of three hundred pounds was appropriated to build and Erect Certain Conveniencys at or near the falls of Onondaga RIVER for Accomodating Securing and regulating the Indian Trade there as in and by the Said Act relation being thereunto had may more at Large Appear

AND WHEREAS that sum together with the Labour by the Same Act enjoyned to be done by the persons going thither to trade was then Judged and is Still thought would have been Sufficient for the purposes aforesaid in Case the building of those Conveniences had been carryed on and compleated in the manner and form as it was proposed and intended at the time of passing the Act Above mentioned.

AND WHEREAS (in Stead thereof) there has Since been erected and compleated on A Convenient Place Commonly called

and known by the name of Oswego A very good Stone house of two Stories high by which means not only the Cost thereof but likewise the Contingent and extra Charges which have Attended the Same have very much exceeded the Sum before-mentioned.

AND WHEREAS the aforesaid House is REPRESENTED to be very Formidable and defencible and Esteemed to tend very much both to Secure and confirm the Six Nations of Indians in the British Interest and to promote and encourage The Indian Trade with the more remote Nations It is Conceived Just and Reasonable That not only the workmanship Materials and Contingent Charges thereof but likewise the Cost of the provisions and Stores to Support his Majestys Troops Posted there Should be discharged and provided for in Such manner as the present Circumstances of the Colony will best admit of

AND WHEREAS in Consequence thereof all the Accounts of the workmanship and materials of the said House of the Battoes built for that service of the provisions Stores and other Necessarys and the transporting it thither as likewise an estimate of Victualling the Said Troops for thirty Weeks after the month of April next ensuing (until which time it Appears they are already provided) having been carefully examined it appears thereby that the whole Charge thereof doth and will amount TO the Sum of one Thousand Six hundred Eighty two pounds Seventeen shillings and three pence half penny Currant money of this Colony.

AND to the end that as well the several workmen employed in and about the Services aforesaid, and all other persons having Already Supply'd Stores provisions and other necessarys as those who are to furnish provisions for the time above mentioned may be paid and Satisfyed for the same, BE IT ENACTED by his Excellency the Governour Council and the General Assembly and it is hereby Enacted by the Authority of the Same That there Shall be paid by the Treasurer of this Colony out of the respective Fonds herein after Mentioned in Sevil pillar or Mexico plate Lion Dollars or bills of Credit made Currant in the Said Colony to the Persons here after named their Executors Administrators or Assigns in Such Manner as Shall hereinafter be Directed the Several and respective Sums following that is to Say

TO his Excellency William Burnet Esq'r for Sundry Stores and Necessarys paid for by him in ready money The Sum of one

hundred forty one pounds five Shillings & nine pence HALF PENNY.

TO Stephen Delancey in full for two Accounts of Ozinbrigs and rum the Sum of thirty two pounds three shillings and ten pence.

TO Abraham Vanhorne in full for his Account of one hundred Eighteen pounds Seven Shillings and Seven pence half penny.

FOR Beef pork Ruggs blankets brass Kettles and Smiths Work the Sum of one hundred Seventeen pounds Seventeen Shillings and Seven pence half penny.

TO Rip Van Dam Esq'r for pease delivered by Jacobus Peek the Sum of fifteen pounds and eighteen Shillings

TO Lewis Caree for Sixteen barrells pork the Sum of Forty eight pounds

TO Johannes Vreeland for workmanship Boards and Timber to build Battoos the Sum of Twenty one pounds Sixteen Shillings and Six pence half penny.

TO JOHANNES ROOMER for the like the Sum of Five Pounds five Shillings and eleven pence.

TO Joost Vansys for the like the Sum of five pounds four Shillings and Seven pence half penny.

TO Searle and Pintard for nails okam and pitch for Battoos the Sum of Five pounds eighteen Shillings and two pence.

TO Robert Lurting for Sundrys for the Battoos the Sum of Three pounds Sixteen Shillings and two pence.

TO Isaac Bogart for Carpenters work and provisions the Sum of Forty nine Pound three Shillings and ten pence.

TO Benjamin Bogard for Carpenters work the Sum of Forty Pounds and eight Shillings.

TO Nicholas Groesbeck for the like the Sum of forty Pound and eight Shillings.

TO Cornelius Waldron for the like the Sum of forty pound and eight Shillings

TO Christiane Schans in full for his Account of twenty five Pound for Sawyers work the Sum of twenty four Pound & fifteen Shillings

TO Coenradt Becker in full for Twenty five pounds and five Shillings for Sawyers work the Sum of Twenty five pound.

TO Albert Bratt for Carpenters work the Sum of Seven pound three Shillings and ten pence.

TO Abraham Bogart for Masons work the Sum of five pound Seven Shillings and Six pence

TO William Hogan Junior for A Journey towards the Indian Country the Sum of two Pound and ten Shillings

TO Nicolaus Wyngard in full of his Account of fifteen Pounds Eight Shillings for Negro hire the Sum of Thirteen Pounds four Shillings.

TO Myndert Schuyler in full of his Account of thirteen Pounds eight Shilling and one penny the Sum of twelve pound Eight Shillings and Seven pence

TO Ephraim Van Veghten for forty days on A Journey to the Indians the Sum of Seven pounds.

TO Hendrick Vrooman in full for two Accounts of Carpenters work and house hire the Sum of Five pounds and fifteen Shillings.

TO Hendrick Vrooman Jun'r in full for his Account of one pound eight Shillings for horse hire the Sum of one pound and one Shilling

TO Dowe Van Veghten in full of his Account of one Pound eight Shillings for labour the Sum of one pound four Shillings and Six pence.

TO John Collins in full of Seven pound four Shillings for provisions and riding Stores the Sum of Seven pounds.

TO Lawrence Clausen for A horse bought of Jacobus Vandyck the Sum of five pound and fifteen Shillings

TO Sander Glen for Carpenters Worke and riding Stores the Sum of one pound eight Shillings and Six pence.

TO Phillip Livingston in full of fifty six pounds Eight Shillings and three pence for Sundrys the Sum of fifty three pounds twelve Shillings and eight pence

TO Leendert Helmer in full of twelve pound Six Shillings for riding Stores and pork the Sum of Eight pound and eighteen Shillings

TO Luykers Wyngard and Carrat Lansing Jun'r FOR Shingles and Shingling the Sum of twenty pound Sixteen Shillings and three pence

TO Johannes Vedder for bringing Stores to Oswego the Sum of three pound

TO GARRAT VANZANDT in full of two and twenty Shillings for paddles the Sum of Eighteen Shillings.

TO PETER VANDERSYN in full of eighteen Shillings and nine pence for marking baggs the Sum of Six Shillings and three pence.

TO Hans Jurk Kalt in full of four pound five shilling for riding Stores and expenses the Sum of Two pound ten Shillings and Six pence.

TO Hendrick Young in full of nine pound for Riding Stores the Sum of Six pound fifteen Shillings

TO Arent Bratt in full for two Accounts of wheat riding A Battoe and baking of bread the Sum of three pound one Shilling and Six pence.

TO John Barentse Wemp in full of three Accounts FOR Boards and pease the Sum of one pound Six Shillings and three pence.

TO Peter Quackenboss in full of Eighteen Shillings for horse hire the Sum of twelve Shillings

TO Suykas Wyngard for labour about the battoos the Sum of Sixteen Shillings and Six pence

TO Peter Maybee for an ox the Sum of four pound four Shillings

TO Peter Groendyck for A Journey and carrying provisions the Sum of eighteen Shillings

TO Gysbet Van Brakett for riding Stores and Battoes the Sum of three pound twelve Shillings

TO Arent D'Graef for Carpenters work the sum of nineteen Shillings and Six pence

TO Isaac Truex for riding A battoe the Sum of nine Shillings.

TO Roeloff Kidney for Coming as an Express to New York the Sum of one pound and Seventeen Shillings

TO peter Vanbrugh for A Horse the Sum of five pound

TO Volkert Symons for Boards and riding Stores the Sum of Six pound ten Shillings and nine pence.

TO Abraham D'Graaf for Carpenters work and Canoe hire the Sum of one pound and one Shilling

TO Abraham Treux in full of two Accounts of five pound Eighteen Shillings and six pence for nails and riding Stores the Sum of five pound sixteen Shillings & Six pence

TO Hermanus Vedder for A Journey to the Mohauks Country the Sum of nine Shillings

TO Gillis Fonda for riding A Battoe and the Carpenters the sum of eighteen Shillings

TO Simon Vroman for paddles the Sum of two Pounds Seventeen Shillings

TO Johannes Vander Hyden & James Savage in full of ten pound nineteen Shillings for provisions riding and A Journey to Oswego the Sum of nine Pound twelve Shillings

TO John Joos Petri in full of twenty seven pound Sixteen Shillings for provisions and riding Stores the Sum of twenty Six pound eighteen Shillings

TO Myndert Wempel for paddles and Tarr the Sum of three Pound three Shillings

TO Abraham Groot for riding Stores the Sum of one pound Eleven Shillings and Six pence

To John Stevenson for hire of a Horse belonging to William Marinus the Sum of one pound thirteen Shillings.

TO Jacob Switz for riding A Battoe the Sum of nine Shillings

TO Johannes Vrooman for Carpenters work the Sum of nineteen Shillings and six pence

TO Isaac Kipp for Bearskins the sum of nine Shillings.

TO Johannes Beekman in full of fifteen pound eight Shillings for negro hire the Sum of thirteen pound four Shillings.

TO Jeremiah Schuyler in full of fourteen pound five Shillings for negro hire the Sum of twelve pound one Shilling.

TO Simon Switz for riding Stores the Sum of one pound two Shillings and six pence.

TO Thomas Schoenmaker in full of three pounds twelve Shillings for riding Stores the Sum of two pounds fourteen Shillings

TO Joost Herckhemer in full of five pound eight Shillings for riding Stores the Sum of four pounds one Shilling

TO Godfrey Reale in full of eleven pound eight Shillings for riding Stores the sum of eight pounds eight Shillings

TO Rudolph Stale in full of fifteen pound eleven Shillings for riding Stores the sum of nine pound eight Shillings

TO James Stevenson in full of two pound twelve Shillings and three pence the sum of Two Pound and five Shillings

TO Hermanus Schuyler in full of eight pound Seventeen Shillings and Six pence for Assisting the Troops in going up to Oswego the Sum of Eight Pounds four Shillings.

TO John Lewis in full of nine pounds seventeen Shillings and Six pence for going to Oswego and burning of bricks the sum of nine Pound and six pence

TO Gulian Verplank for carrying Stores to Oswego and some rum the Sum of three pound eleven Shillings

TO Daniel Danielse van Antwerpen in full of two Account of Six pound three Shillings and six pence for carpenters work and one paddle the sum of five Pound and six pence

TO William Barrett for Carpenters work and materials for the Battoos the Sum of four pound & Sixteen Shillings

TO Wilhelmus Vedder for two Accounts of Boards Carpenters work and ax helves the sum of Seven Pound ten Shillings and Seven pence half-penny

TO Anthony Bogardus for Oakum and Carpenters work to the Battoes the Sum of four Pound nineteen Shillings

TO Cornelius Bogard in full of eight pound Seventeen Shillings and Six pence for Carpenters work to the Battoes the Sum of Eight Pound ten Shillings and nine pence

TO Nicolaus Schuyler in full of two accounts of twenty seven pound nineteen Shillings and six pence for bear Skins Negro hire rum boards and labour done by Peter Clement Aukes Bratt and Robert Dier the sum of twenty four pound Seventeen Shillings and six pence.

TO Egbert Bratt for going Express TO New York the Sum of one pound seventeen Shillings

TO Augustinus Turk for the like and Canoe hire the Sum of two pound and three Shillings

To Hermanus Wendell for A horse Kettle and nails the Sum of nine pound three Shillings and seven pence half penny

TO Dirk Van Voorst for A Journey to Oswego the Sum of six Pound Seven Shillings & Six pence.

TO Hendrick Teneyck in full of thirteen pound one Shilling and six pence for bread bags &c. the sum of twelve pound nine Shillings and nine pence

TO Johannes Lanting in full of four pound Seventeen Shillings for bread Sifts &c. the sum of Four pound eight Shillings

TO David Marinus for A Journey to Oswego the Sum of six pound Seven Shillings & six pence.

TO Jacob Philipsen for the like the sum of six pound Seven Shillings and six pence.

TO Johannes Visker in full of two pound two Shillings for riding Stores and horse hire the sum of one pound nineteen Shillings

TO Jacob Vedder for Carpenters work the Sum OF Two pound seventeen Shillings

TO Cornelius Smith for A Journey to Oswego the Sum of Six pound Seven Shillings and six pence

TO William Deters for A Cow riding Stores and horse hire the Sum of five pound fifteen Shillings and six pence.

TO Dirk Groot for A Journey to Oswego the sum of six pound Seven Shillings and six pence.

TO Ashwerus Marselus in full of twenty five pound ten Shillings for A Journey to Oswego by himself and two sons the Sum of nineteen pound two Shillings and Six pence.

TO Peter Corne for Carpenters work the Sum of three pound

TO Arnout DeGraaf for the like the sum of three pound

TO Arent Danielse for the like the Sum of three pound twelve shillings.

TO John Collins in full of three pound ten Shillings & Six pence for A demand of sundrys the sum of six Shillings

TO Myndert Wimpel for thongs and Iron Pinns for paddles and Setting poles the sum of one Pound eighteen Shillings and six pence

TO Samuel Hagedorn for Carpenters work the sum of one pound Seven Shillings

TO Arent Samuelse Bratt in full of Seventeen SHILLINGS for boards the Sum of fourteen Shillings & Six pence.

TO Jacob Vanwoort for Carpenters work the sum of nine Shillings

TO Cornelius Viele for riding Stores the sum of nine Shillings

TO Lancaster Symes for bacon & Oakum the sum of two pound and two Shillings

TO Abraham DeGraaf for boards & Carpenters work the Sum of two pounds four Shillings and three pence

TO Caleb Beek for riding Stores the sum of twelve shillings.

TO Abraham Mebee for riding Stores & for Smiths work the Sum of three pounds four Shillings & Six pence.

TO Evart van Eps for riding Stores the Sum of Eighteen Shillings.

TO Jacob Verplanck for provisions left for the troops at Oswego the sum of two pound one Shilling

TO Cornelis Vander Volgen for riding Stores the sum of one pound Sixteen Shillings.

TO Albert Vedder for Carpenters work & riding Stores the Sum of one pound ten shillings and six Pence.

TO Simon Vrooman for Carpenters work the sum of two pound five Shilling

TO Cornelis Vedder in full of Seven Shillings and seven pence half penny for rum the sum of Six Shillings

TO Johannes Myndertse in full of twenty four pound & five

pence for Smith work and provisions the sum of twenty three pound four Shillings and Eight pence three farthings

TO John Baptist van Eps in full of fourteen pound Six Shillings and nine pence the sum of ten pounds and nine pence

TO Coenradt Ten Eyck in full of three pound Eleven Shillings & six pence for freight of Sundrys to Albany the sum of Two pound and nineteen Shillings

TO Anthony Duane for ozimbrigs the Sum of twelve Pound and eight Shillings

TO Thomas Elde in full of his Account of Seven pound Eighteen Shillings and two pence for Smiths work the Sum of Seven Pound Twelve Shillings and eight pence three farthings

TO Thomas Thong in full of his Account of Forty POUND fifteen Shillings and two pence for Sundrys the Sum of Thirty nine Pound thirteen Shillings and two pence

TO John Fleming for Sawyers work the Sum of three pound and eighteen Shillings

TO John Jones for the like the Sum of four pounds ten shillings

TO Richard Coleman for the like the Sum of three pound Six Shillings

TO John Van Ness in full of his Account of Six pound & eleven pence for freight of goods and Battoes and passages of Soldiers the Sum of five pound nineteen Shillings and five pence

TO Peter Winne in full of two Accounts for the like the sume of Eight pound nine Shillings and three pence

TO Peter Rutgers for tobacco and pipes the Sum of ten pounds sixteen Shillings and ten pence half penny

TO Abraham Kettletass for Spades and Shot the Sum of four pound Sixteen Shillings

TO Peter Barberie and John Moore for A hogshead of rum the Sum of Sixteen pound nineteen Shillings

TO Ebenezer Grant for Seven Spades the Sum of two pound and nine Shillings

TO Archibald Fisher for Medicines and A Set of Capital Instruments the Sum of twenty two pound and eleven Shillings

TO John Haskol for making A modell of the house at Oswego and his trouble in buying and Sending up Sundrys thither the Sum of five Pound.

TO John Wemp in full of two Accounts of two pound ten Shillings and Six pence for bread paddles Setting poles and riding Stores the Sum of Two pound Eight Shillings.

TO Johannes Van Veghten in full of one Pound & four Shillings for Six days Labour the Sum of one pound and one Shilling.

TO John Depeyster in full of thirteen pound Sixteen Shillings and three pence half penny for Sundrys the Sum of thirteen Pound eleven Shillings and nine pence half penny.

TO Stephannus Greosbeek in full of twenty one Pound twelve Shillings and Seven pence for provisions and Sundry other Stores and necessarys the Sum of twenty one Pound.

TO the following persons for their wages and Services in Assisting the troops at Oswego until April next According to Agreement made with them by the Commissioners of Indian Affairs at Albany that is to say

TO Jacob Verplank the Sum of twenty eight pound

To Abraham Evertse Wendel the Sum of Eighteen pound

TO William Hogan Junior the Sum of Eighteen pound

TO Tho. Wileman the Sum of Eighteen pound

TO Sybrand Van Schaick the Sum of fifteen pound

TO Simon Vedder the Sum of fifteen Pound

TO Harman Van Slyck Jun'r and four other persons for carrying Provisions to Oswego with the last detachment that went thither Each the Sum of Five pound being in all twenty five pound

TO John Jurtk Cass and Johan Jost Petri for provisions furnished to the Troops at Oswego this fall Such Sum and Sums of money as the Commissioners of Indian Affairs at Albany Shall Certify to be delivered together with the respective rates thereof So as that the whole do not Exceed the Sum of forty five pound

TO the Same John Jurk Cash and Johan Jost Petri for the following Provisions to be furnished by them for the troops for thirty weeks from April next That is to Say three Skipples and a half of wheat meal three Skipples and a half of pease and one hundred and twenty five pound of Pork for each week A Sum not exceeding the Sum of one hundred and nine pound five Shillings.

TO the Same John Jurtk Cast and Johan Jost Petri for riding the Said provisions and Battoes over the great Carrying place A Sum not exceeding the Sum of Fifteen pound.

TO Such person or persons as Shall Supply the Said Troops with rum and Sugar during the Said thirty weeks A Sum not exceeding twenty one Shillings a week amounting to thirty one pound ten Shillings.

WHICH is to be paid upon A Certificate of the Commanding Officer at Oswego and the Commissioners of Indian Affairs that rum and Sugar has been delivered to that value

AND to the end that as well the workmen who built the house and Battoos aforesaid as those persons that furnished Provisions Stores and other necessaries might not be kept out of their money BE it Enacted by the Authority aforesaid that out of the Fonds hereby intended to be Applied for discharging the Several demands before mentioned the Treasurer Shall pay the Same to the Several and respective persons hereinbefore named their Executors administrators or assigns out of the Several Fonds hereinaftermentioned.

BUT Whereas many of the Accounts aforesaid are not Attested Either by the Commanding Officer at Oswego or by the Commissioners of Indian Affairs at Albany and that moreover Some Articles or part of them Seem to be overcharged BE it Enacted by the Authority aforesaid that before the Treasurer pay any of the Accounts for Goods delivered or Services done in the City and County of Albany the person who did the Service or furnished the thing therein Charged Shall make oath before the Mayor or recorder of the City of Albany or before the Mayor or the Recorder or An Alderman of the City of New York That the Article or Articles Charged in Such Accounts have been bona fida done or furnished for the Services aforesaid and that the rates thereof do not Exceed the COMMON or Market price and if upon such oath it appears that there has been an overcharge the same is to be deducted out of Such Account and no more paid than what Such Account Shall then be reduced to

AND be it further enacted by the Authority aforesaid that all Accounts paid by the Treasurer in manner as aforesaid to the respective persons beforenamed their Executors administrators or Assigns and having proper receipts or discharges thereon Shall be unto the Said Treasurer A good Voucher and discharge in law for So much as in Such receipt or discharge Shall be mentioned to be received.

AND Although its conceived that the more immediate Benefit of the aforesaid Trading house redounds Cheifly to the Inhabitants of the city and county of Albany and that the Colony in General is Loaded with Several former Taxes the General Assembly being nevertheless Sensible That Ample provision ought to be made for the Effectual discharge of the respective Sums hereinbeforementioned humbly pray it may be enacted and be

it enacted by the Authority aforesaid That the three hundred pounds appropriated by the aforementioned Act entituled an Act for regulating & Securing the Indian trade to the Westward of Albany for the ends and purposes therein mentioned together with the Fines arisen by the Same Act (if any Such therebe) Shall be Esteemed as part of the aforesaid Sum of one Thousand six hundred and eighty two pounds Seventeen Shillings AND three pence half penny and Shall be Applyed towards the discharge thereof Accordingly

BE it further Enacted by the Authority aforesaid that The residue of Taxes which does Or Ought to remain in the treasury Raised for Securing the Indians and promoting the Indian Trade by virtue of the several acts hereundermentioned Shall likewise be Applyed for and towards discharging the aforesaid Sum of one thousand Six hundred and eighty two pounds seventeen Shillings and three pence half penny That is To Say

BY an Act Entituled an Act for raising the Sum of five hundred pound for Securing the Indians in his Majesties Interest passed in the Seventh Year of his Late Majestys reign By one other Act Entituled an Act for raising the Sum of ffive hundred pound to encourage & promote A Trade with the remote nations of Indians And for securing the five Nations in his Majestys Interest. As also the Sum of three hundred & twenty pound three Shillings & two pence farthing advanced by the Several persons therein named for repairing the fortifications on the frontiers passed in the Ninth Year of his Said late Majestys Reign, By one other Act Entituled an Act for raising and Levying the Quantity of five thousand three hundred and fifty ounces of plate for the USES therein mentioned and for Striking and making bills of Credit for that Value Passed in the Same ninth Year of his Said late Majesties reign And by one other Act Entituled an Act for raising and Levying the Sum of Six thousand Six hundred and thirty pound for the Supplying the Deficiencys of his Majesties revenue and for the Several uses and purposes thereinmentioned And for making of bills of Credit to be Issued for that Value passed in the tenth Year of his Said Late Majestys reign That is to Say So much only of three last mentioned Acts as were therein respectively Applyed to Secure the Indians and to Encourage and promote A Trade with them

BE it also Enacted by the Authority aforesaid that of the three hundred pound Pr Annum for the term of two Years the last whereof will become due and payable on the eighth day of July

next Ensuing which was appropriated for maintaining and paying proper persons among the five Nations and other Indians and other uses among them By Virtue of An Act entituled an Act to Lay different dutys on the Goods therein mentioned and for regulating the Indian trade in the City and County of Albany for the term of two Years and for Moderating and Ascertaining the fines incurred by former Acts if paid within the time Limited in this Act passed in the twelfth Year of his Said Late Majestys reign And enforced by one other Act entituled An Act for Explaining and enforcing An Act Entituled an Act to Lay different dutys on the goods therein mentioned and for regulating the Indian Trade in the City and County of Albany for the term of two Years and for Moderating & Ascertaining the Fines Incurred by former Acts if Pay'd within the time Limited in this Act passed in the thirteenth Year of his Said Late Majestys Reign Such part of the first Year thereof as has hitherto been unapplyed and also what will become due for the Second Year which will become due on the Said eighth of July next Shall likewise be applyed for and towards discharging the aforesaid Sum of one thousand Six hundred & eighty Two pound Seventeen Shillings & three pence half penny.

AND WHEREAS it is represented That Nicholas Schuyler and Jacob Wendall having traded with the French contrary to the Laws of this Colony are ready and willing to pay Each of them the Sum of one hundred pounds for Such their Transgression. Be it Enacted by the Authority aforesaid That if they and each of them or Some other Persons in their behalf Shall well and truly pay into the Treasury the Said Sum of one hundred pounds within ten days next after the publication of this Act the Said Nicholas Schuyler & Jacob Wendall or Such of them as Shall So pay the aforesaid one hundred pounds Shall thereupon be fully released Exonerated and discharged of & from the bond And recognizance which they respectively have Entered into for their Said Offences And of & from all further or other fines Penaltys Forfeitures & prosecutions for or by reason of the Transgression aforesaid And the money So to be paid unto the Treasurer of this Colony Shall likewise be Applyed toward the Discharge of the before MENTIONED Sum of one thousand Six hundred and eighty two pounds Seventeen Shillings and three pence half penny.

AND WHEREAS Several people having had more at heart their private Gain than the publick Good have by themselves or

by other persons in their behalf Sold Carryed or delivered Indian goods to the Subjects of the French King or other persons for their use Contrary to the plain words true intent & meaning of the following Laws of this Colony which were then & from time to time Continued to be of Force that is to say in one Act Entituled an Act for the Encouragement of the Indian trade And rendring it more beneficial to the Inhabitants of this province and for prohibiting the Selling of Indian Goods to the French passed in the Seventh Year of his late Majestys reign one other Act Entituled an Act for the further and more effectual prohibiting of the Selling Indian Goods to the French passed in the eighth Year of his Said late Majestys reign One other Act entituled An Act for Continuing the Acts made for prohibiting the Selling of Indian Goods to the French with some Alteration passed in the tenth Year of his Said Late Majestys reign and one other Act Entituled an Act to revive and Continue the Several Acts therein mentioned Relating to the prohibiting of Selling Indian Goods to the French and for promoting the trade with the remote Nations of Indians during the time therein Mentioned and for recovery of Such penaltys as are directed by the Said Laws passed in the twelfth Year of his said Late MAJESTYS reign.

AND WHEREAS So much of the Several Laws aforesaid as relate to the fines forfeitures and penaltys therein Contained were by An Act hereinbeforementioned Entituled An Act to Lay different Dutys on the Goods therein mentioned and for regulating the Indian trade in the City & County of Albany for the term of two Years And for moderating and Ascertainning the fines incurred by former Acts if paid within the time Limited in this Act passed in the Said twelfth Year of his late Majestys Reign Continued to remain in full force and Virtue until the Eighth day of July which will be in the Year of our Lord one thousand Seven hundred and twenty eight nevertheless with A proviso therein Contained That all Such Persons as had Contravened the aforesaid Laws to the westward & Should voluntarily pay into the treasury the Sum of thirty pound and those to the Northward the Sum of one hundred pounds within Six Months after the publication of the Said Act which Said Act was published on the Seventeenth day of June in the Year of our Lord one thousand Seven hundred And twenty Six the person and persons So paying Should thereupon be Exonerated and discharged of and

from his and their fines for having Traded Contrary to the Laws aforesaid as in & by the Said Act relation being thereunto had may more at Large appear.

And Whereas the Six Months so allowed for the SAID payment Expired at A Season when the Navigation from Albany is generally obstructed by Ice it was by another Act Entituled an Act for explaining and Enforcing an Act Entituled an Act to lay different dutys on the goods therein mentioned and for regulating the Indian Trade in the City and County of Albany for the term of two Years and for moderating and Ascertainning the fines Incurred by former Acts if paid within the time limited in this Act passed in the thirteenth year of his said late Majestys reign provided That all Such of the Said Offenders as should deposite the respective Sums abovementioned in the hands of the mayor of the city of Albany within the time So limited as aforesaid Should thereupon have the full Benefit of the aforesaid Act in that behalf as in and by the said two last mentioned Acts reference being thereunto had may more at Large appear.

AND WHEREAS it has been represented that there are several persons who have traded with the Subjects of the French King contrary to and in contempt of the Laws aforesaid many of whom have by that means Acquired to themselves great wealth and who have not only hitherto Avoided the payment of any of the fines or forfeitures to which they were Subjected for Carrying on the Said Illegal trade but have despised the Lenity of the Legislature Extended to them by the before mentioned two last Acts and are now notwithstanding the Said Acts lyable TO pay all the fines forfeitures and penaltys laid and Appointed to be inflicted by the other Acts of the general Assembly as fully and to all Intents and purposes whatsoever as if the Said two mentioned Acts or either of them had never been made that is to Say all those who have traded with the Subjects of the French King between the Nineteenth day of November one thousand Seven hundred & twenty and the tenth day of November one thousand Seven hundred & twenty five Contrary to the direction true meaning & Intention of the Acts then in force & have not Complied with the direction of the Said Laws were and still are lyable to pay the Sum of one hundred pounds and those who have traded with the Subjects of the French King at any time from and after the Said tenth day of November one thousand Seven hundred & twenty five until the Seventeenth day of June one thousand Seven hundred & twenty Six Contrary to the directions true

meaning & Intention of the Act or Acts of the General Assembly then in force & have not Complied with the directions of the Said Laws by paying the fines and forfeitures laid and appointed by them or any of them or Clearing themselves by taking the Oath therein directed were and Still are lyable to pay the Sum of three hundred pounds In order therefore that neither the Said persons nor any of them (if any Such there be) may Longer either by absconding or any other way Evade or Elude the penaltys & forfeitures layd by all or any the Acts OF The General Assembly heretofore made to prevent the trading with the Subjects of the French King but that the Said forfeitures may be had and recovered from all and every person & persons lyable to pay the Same and that it may be discovered who & what persons are lyable thereto.

BE IT ENACTED by the Governour Council & General Assembly And it is hereby Enacted by the Authority of the Same that the Mayor Recorder and Aldermen of the City of Albany or the Major part of them Shall be and hereby are appointed authorized Impowered directed and Required fully and effectually to Execute all and every the matters & things in this Act Contained touching and Concerning the aforesaid fines forfeitures and penaltys And the Said Mayor is hereby required within Eight days next and after he Shall have received A Copy of this Act to Cause the recorder Aldermen and town Clerk of the Said City to meet and Convene at the town house or City Hall of the Same City and being So Convened the Said Mayor is hereby Enjoyned then and there to administer unto the Said recorder an Oath on the holy Evangelists in the words following that is to Say I A B do Swear and promise that I Shall for my part well and truly execute & perform all and every the matters and things in this Act required to be done by the Mayor recorder and Aldermen of this City to the utmost of my power and ability and neither to Spare any person or persons for favour or affection or vex or trouble any body out of hatred prejudice or malice, So help me God which Oath being So administred to and taken by the Said Recorder HE is then Authorized and required to administer the Same oath unto the Said Mayor and every Alderman then present and Such of them as may be absent at that time are to be Summoned by the Said Mayor to Appear within Eight days there after who are then Likewise Enjoyned and required to take the oath aforesaid which the Mayor or recorder is hereby Impowered and required

to Administer Accordingly And at the time first mentioned the Said Town Clerk is to Enter in two Several books (which he is to prepare for that purpose) the name and names by whom and when the Said Oath was So administred and taken. AND the Said Mayor recorder and Aldermen then present and those absent within Eight days thereafter Are Each and every of them hereby required to take likewise the oath directed to be taken by persons Suspected to have traded with Subjects of the French King Contrary to the laws of this Colony in the precise words and terms (Excepting the alteration hereinafter explained) mentioned and described in and by one Act of the General Assembly of this province made in the Eighth Year of the reign of our Late Sovereign Lord George the first of ever glorious memory Entitled an Act for the further and more Effectual prohibiting of the Selling Indian goods to the French And for Removing of Scruples which might arise concerning the time mentioned in the Said Oath BE it declared and Enacted by the Authority aforesaid That the Said Oath in that particular onely Shall be Altered in the manner following which is likewise to be the rule in Administring the Said Oath to all persons by this Act required to TAKE the Same That is to Say Such person or persons as have at any time heretofore Either taken the Said oath or paid their Fine or Fines for trading with the French Contrary to the Laws aforesaid The time is to be expressed thus From the time they took Such oath or made Such payment last until the tenth day of November one thousand seven hundred & twenty five And in like manner from the Said tenth day of November one thousand Seven hundred and twenty five (or from their last Swearing or payment as aforesaid) until the Seventeenth day of June one thousand Seven hundred & twenty Six And the Said Oath is not to be Altered in any other Particular whatsoever and in taking the Said oath over again in the manner last mentioned (which the persons obliged to take the same are hereby required to do) the person or persons so swearing are to declare upon Oath likewise whither Such trading with the French was to the Northward or Westward of the City of Albany All which together with the Names of the persons So taking the Said Oath as also the time of doing it Shall be fairly and particularly Entred by the Said town Clerk in both the two books which he is hereby directed to provide and he is in like manner required to make Such Entry of all person or persons

that Shall refuse to Swear or refuse or neglect to appear when Summoned in the manner herein after directed

AND be it farther Enacted by the Authority aforesaid that when the Said Mayor recorder and Aldermen or the greater number of them Shall have Qualified themselves by taking the oaths in the manner ABOVE mentioned (which they are required to do within the time above Limited) they or any three of them (whereof the Mayor or recorder is allways to be one) are hereby required and Enjoyed to make out A perfect List of all the persons names in the City and County that have Traded Or are reputed to have traded with Indians or are Suspected to have Traded with the French Contrary to the Laws aforesaid at any time between the Nineteenth day of November one thousand Seven hundred and twenty and the seventeenth day of June one thousand Seven hundred and twenty Six And they are to make out such list and from time to time to add Such other names thereto as they of their own knowledge or by Information or any otherwise howsoever Shall have the least reason to Suspect of having traded with the French Contrary to the Laws aforesaid In all which they are to have A due regard to the oath herein directed to be first taken by them And the Said List Shall then as likewise the names of Such other persons as shall afterwards be added thereto from time to time be entered by the Said Town Clerk in the two books before Mentioned

AND be it further Enacted by the Authority aforesaid that the Said Mayor recorder & Aldermen of the Said City or any three of them Shall within three weeks after A Copy of this Act Shall be received by them or any of them meet at the Town House aforesaid and then and there cause the Said Town Clerk to make out Summons for each of the respective persons so Entred in the Said two books to Appear before them at the Said Town house on A day to be therein prefixt not exceeding FOURTEEN days after the date thereof All which Summonses are to be Signed by the Said Mayor recorder and Aldermen, or any three of them And then be delivered unto the High Sheriff of the Said City and County within two days after the date thereof. And the Said Sheriff is hereby required within four days after his receiving the Said Summonses to Serve the Same respectively upon the person and persons therein named and in Case any of Such person or persons Could not be found or was absent he shall Leave Such Summons or Summonses at their dwelling house or usual place of abode, Noting down with what person and at

what house he So left the Same Which shall be held and Esteemed of Equal Validity as if he had Served Such summons upon them or any of them personally and the Said sheriff is from time to time at or within fourteen days after the date of every Such Summons to make return Thereof to the Said Mayor recorder & Aldermen and in such return to Set down the time when on whom and what manner he Served the Same And in Case any of the persons Summoned in manner as aforesaid Shall neglect to Appear before the Said Mayor recorder & Aldermen on the day prefixt in their respective Summons the Said Mayor recorder & Aldermen or any three of them are then Immediately to Issue A Second Summons Against all Such as shall so omit or neglect to Appear returnable in fourteen days there after Which said Summonses are then (being Signed as aforesaid) to be delivered unto the Said Sheriff in the manner hereinbefore directed who is then to Serve the Same and make return thereof persuant to the directions above mentioned. And if any OF the Persons Should after Such Second Summons Still neglect or refuse to Appear before the Said Mayor recorder or Aldermen They the Said Mayor recorder and Aldermen or any three of them are then immediately to Issue their third and last Summons returnable in fourteen days against all Such persons as may So neglect or refuse to appear before them which Said last Summons (being Signed as aforesaid) is to be delivered to the Said sheriff in the manner before mentioned who is hereby required to Execute the same and to make return in like manner as is herein directed to be done in the Execution of the first and Second Summons. And the said Town Clerk is hereby required to enter in the two books aforesaid all and every the Summonses which shall be Issued in manner as aforesaid together with the dates Thereof respectively as likewise the Several returns which the said Sheriff Shall make thereon

AND be it further Enacted by the Authority aforesaid That to all and every person and persons that shall voluntarily or upon the aforesaid first Second or third Summons appear before the Said Mayor recorder or Aldermen they the Said Mayor recorder & Aldermen or any three of them Are hereby required to tender & administer unto Each and every of the persons so Appearing the Oath mentioned at Large in the hereinbefore mentioned Act of the General Assembly Entituled an Act for the further and more Effectual prohibiting of Selling Indian Goods to THE French passed in the eighth Year of his Late Majestys

reign which Said Oath they and every of them are hereby required and allowed to take in the Same manner and with the Same Alteration as it is herein before directed to be taken by the Mayor recorder and Aldermen And the town Clerk is hereby directed and required to enter in the two books aforesaid the name and names of all and every the person and persons who took the Said oath and in what manner each of them took the same and when, likewise the Name and Names of all Such person and persons that do Appear and Shall refuse to take the Said oath

BE IT Further Enacted by the Authority aforesaid That if upon the taking of Such oath in manner as aforesaid it Appears that any of the persons taking the same have traded with the French whilst it was Contrary to the Laws of this Colony so to do Shall be adjudged convict of having Traded with the French Contrary to the Laws aforesaid and be Subject and Lyable respectively to pay the fines & penalties Incurred thereby which are to be Calculated according to the degree and nature of their offences respectively That is to Say All Such as shall upon taking Such Oath as aforesaid Appeared to have traded with the French Contrary to the Laws of this Colony from and after the Nineteenth day of November One thousand seven hundred and twenty or from and after their Last Swearing or payment as aforesaid until the tenth day of November one thousand seven hundred and twenty five the Sum of one hundred pounds, Those that So traded from and after the Said Tenth day of November one thousand Seven HUNDRED and twenty five until the Seventeenth day of June one thousand Seven hundred and twenty Six the Sum of three hundred pounds if Such Trade was Northward of the City of Albany and if Westward of the Said City the Sum of one hundred pounds

BE it further Enacted by the Authority aforesaid that all Such person and persons as are herein directed to be Entered in the two books on Suspicion of having traded with the French Contrary to Law who Upon their appearing before the Said Mayor Recorder and Aldermen in pursuance of the Summonses aforesaid Shall and do refuse to take the aforesaid oath upon its being tendered to them in the manner before mentioned as likewise all and every Such other person or persons mentioned in the List aforesaid as shall refuse neglect or delay to Appear before the Said Mayor recorder & Aldermen after the third Summons has been Served and executed in the manner before mentioned and after the time therein prefixed Every Such person

and persons So refusing to Swear or to Appear as aforesaid Shall respectively be adjudged Convict of having traded with the French Contrary to the aforesaid Laws and Each and every of them shall be and hereby are declared to be Subject and Liable to pay the sum of three hundred pounds. And Be it Further Enacted by the Authority aforesaid That the Said Mayor Recorder and Aldermen or the greater Number or any three of them Shall and hereby are required to Cause the Said Town Clerk to make due and particular entrys from time to time in the Said two Books of all & Singular their PROCEEDINGS in all matters by this Act Committed to their Care and Management to the end it may appear what persons Took the oath aforesaid what persons upon their appearing refused to take the Same what Persons purged themselves in taking the Said Oath and what persons did not appear upon their being Summoned in the manner before mentioned and to what Sum the persons' Swearing refusing to Swear or not appearing as aforesaid are respectively Subject and Liable to which is to be Calculated in the manner herein before mentioned and the Said Town Clerk is hereby required to make perfect and distinct Entries in the Said two books Accordingly and Constantly to set down before whom All these matters were transacted

AND be it Further Enacted by the Authority aforesaid That it shall and may be lawfull to and for the Said Mayor Recorder and Aldermen to adjourn from time to time (and if need be from place to place) for the Better Executing of the Several Matters required of them by this Act provided that Such adjournments do not exceed Eight Days. AND the Said Mayor Recorder and Aldermen or the Greater Number or any three of them and the Said Clerk are hereby required at the end of three months next after they or one of them Shall have received A Copy of this Act to Colate and Compare the two books hereby directed to be kept for all and Singular THE purposes aforesaid and finding or making them Exactly to be alike in all particulars they or the greater part of them as well as the Said Clerke are to Sign their names under Each page of the Said books And at the end of it Certify and Sign that this Act has been Executed by them in the manner therein mentioned one of which Said Books Shall then be transmitted by them to the Secretary's office of this Colony to be kept there and Shall be matter of record Against which there shall be no Averment but Shall be in all Courts within the Said Colony where there Shall be occasion to make use of it

given and received in Evidence and Shall be deemed and Allowed a record of as high a Nature and absolute Certainty as any other Record in this Colony whatsoever Excepting as is herein after Excepted. And the other of the Said two books Shall be kept by the said Town Clerk for the time being And Shall be matter of record in the said City and County of Albany against which there Shall be no Averment but Shall be given and received in Evidence in any Court within the County of Albany as aforesaid Excepting as herein after is Excepted

AND be it further enacted by the Authority aforesaid That if any person or persons guilty of Trading with the French Contrary to the Laws of this Colony and having withdrawn HIMSELF from the City and County of Albany all and every Such person or persons Shall and may be proceeded against in the Supream Court of this Colony if he be to be found within the limits thereof and the book to be lodged in the Secretarys office aforesaid Shall be allowed good proof and evidence against him So as to Convict him of Fine and penalty herein before mentioned. BE it Further Enacted by the Authority aforesaid That if at any time hereafter may appear by the oaths of two Credible witness that any of the persons hereby required to take the oath herein mentioned before the Mayor recorder and Aldermen of the City of Albany has Sworn falsely Such person Shall for Such false Swearing be subject not only to the full forfeiture of three hundred pound on his being Legally Convicted of having Sworn falsely but Shall also Suffer the pains and penaltys usually inflicted upon Such as are guilty of wilfull & Corrupt perjury To be prosecuted by his Majestys Attorney General in the Supream Court of this Colony in which Case no Inhabitant of the County of Albany Shall be admitted A Juryman And the Said Attorney General Shall receive the Sum of ten pound for every Such prosecution from the defendant whether acquitted or Convicted any Law to the contrary notwithstanding out of which Ten pound Shall be payd all fees that may be due to the Sheriff and Other Officers of the Court

AND be it further Enacted by the Authority aforesaid That in Case either the Mayor recorder or Aldermen of the City of Albany Shall refuse or neglect to execute the powers and directions given them by this Act According to the true intent & meaning thereof they and each of them So refusing or neglecting to do and perform the same Shall forfeit unto his Majesty the

Sum of four hundred pounds to be recovered in the Supream Court at the city of New York in the same manner and for which the attorney general is to have the Same reward as in and by the last mentioned clause is enacted. BE it also Enacted by the Authority aforesaid That if the High Sheriff of the City and County of Albany Shall neglect or refuse to perform the Several matters herein before directed by him to be done according to the directions which he Shall from time to time receive from the said Mayor recorder or Aldermen or any three of them he shall for Every Such neglect or refusal Forfeit unto his Majesty his heirs and Successors the Sum of five hundred pound to be recovered in Manner as aforesaid. BE IT ALSO ENACTED by the Same Authority that if the Town Clerk of Albany Shall neglect and refuse to execute the Several matters herein before required to be performed by him according to the directions which the Said Mayor recorder and Aldermen or any three of them Shall give him from TIME to time he Shall for every Such Neglect or refusal forfeit unto his Majesty his heirs and Successors the Sum of four hundred Pounds to be recovered in manner as aforesaid.

AND be it further Enacted by the Authority aforesaid That the Said town Clerk Shall have and be allowed for every Summons he Shall make out by order of the Mayor recorder and Aldermen aforesaid the Sum of one Shilling and for every days Attending the Said Mayor recorder and Aldermen and the entring into and keeping of the Said two books, and perfecting the same in the manner herein before directed the Sum of Six Shillings for every day he Shall So Attend and be employed as aforesaid AND the High Sheriff Shall have and be allowed for executing every Summons and making return thereof the Sum of Six Shillings And the Constable who may be thought necessary to attend the Said Mayor recorder and Aldermen or for keeping the peace Shall do the Same in their respective turns and shall be allowed for every days attendance by order of the Said Mayor recorder & Aldermen, the Sum of three Shillings and Such of them as refuse or Neglect So to Attend Shall and may be fined at the discretion of the Said Mayor recorder & Aldermen not Exceeding ten Shillings for Each day they Shall So neglect And the Said Charges shall be made A County Charge and Levyed and paid accordingly by the County of Albany agreeable to Such rules and methods as have been Usually put in practice therefor raising Collecting and gathering the publick and necessary Charges of the Said County.

AND be it Enacted by the Authority aforesaid that all the Estate real and personal of every person convicted by this Act & of Every person convicted by any the former acts of the Assembly for Illegal trading and who have not or Shall not pay the forfeitures thereby appointed on or before the time herein last mentioned shall be and hereby is made lyable to pay the Sum of money forfeited by Such convicted person and all and every feoffment, Gift, grant Alienation, bargain & Conveyance whatsoever, of Lands tenements hereditaments, goods or Chattles and all bonds, Suits, Judgments and Executions made to avoid the payment of the Said forfeited Sum or Sums of money Shall be adjudged fraudulent and Utterly Void Any pretence Colour feigned Consideration expressing of use or any other matter or thing to Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid that all and every the partys to Such feigned Covenons or fraudulent feofment, Guift, Grant, alienations, bargain, Conveyance, bonds, suits, Judgments, and executions, and being privy and knowing of the Same or any of them which at any time after the publication of this Act shall WITTINGLY and Willingly put in use or vow maintain Justify or defend the Same or any of them as true Simple and done had or made bona fide and upon good consideration or shall alien or Assign any of the Lands tenements hereditaments Goods or Chattles to him or them given granted or Conveyed as aforesaid or any part thereof Shall Incurr the penalty and forfeiture of the whole value of the goods and Chattles So Conveyed the one Moyety thereof to his Majesty his heirs and Successors for the use herein after mentioned and the other half to Such person or persons as shall Sue for and recover the Same in any of his Majestys Courts of record of this Colony And the defendant or defendants being thereof Convicted Shall Suffer Imprisonment for the Space of four months without bail or mainprize

AND be it Enacted by the Authority aforesaid that immediately after the expiration of the three months hereinbefore mentioned or within two months thereafter the High Sheriff for County of Albany for the Time being Shall make Seizure of all the goods & Chattles of each and Every the persons that Shall be convicted by virtue of this Act for Refusing to purge themselves by oath or that have been convicted by virtue of this Act or any former Acts of the General Assembly of this province made for the prohibiting the Selling of Indian Goods to the French and

who have not or Shall not pay their forfeitures before or entred into recognizance for the Same on or before the first day of May WHICH will be in the year of our Lord one thousand Seven hundred and twenty Eight and within fourteen days after Such Seizure Shall Expose the same to Sale at Publick Vendue and after deducting the forfeiture the Charge of Sale and the proportionable part of the Charge arising and Acruing by the Attendance on the tendring the oaths as aforesaid Shall return the Overplus if any there be to the Owner but in Case it Shall so happen that the Sum Arising by the Sale of Such goods and Chattles Shall not be Sufficient to pay and discharge the forfeiture and Charges Acruing as aforesaid then the Said High Sheriff for the time being Shall enter upon the Lands or houses of each and every the persons So Convicted as aforesaid & whose goods and Chattles Shall not prove Sufficient to Discharge The forfeiture by him Incurred with the growing Charges and by Virtue of this Act the Said High Sheriff for the time being & his Successors High Sheriffs of the City and County of Albany for the time being Shall Stand Seized thereof as of A perfect estate of Inheritance in fee Simple or of Life or Lives or Years according to the Estate that was truly and bona fide in the owner at the time of the entry of the Said Sherif TO and for the uses following That is to Say if the Entry of the Said Sheriff be upon an Estate in ffee Simple in the forfeiter the Said Sheriff Shall be Seized of an Estate in fee Simple to the use of the Vendee or purchaser his heirs & Assigns for ever for the whole or So much thereof as shall be Sold to raise the sum forfeited and the Charges and the Purchaser of the Whole or any part thereof Shall be put into possession and Shall be after the Sale thereof by virtue of this Act Seized of Such lands or houses as he shall So purchase as of an Estate in fee Simple to him or her his or her heirs & Assigns for ever as fully and Absolutely as the owner was Seized and possessed of it before Such Entry of the Sheriff but nevertheless Lyable to pay and Discharge Such mortgages and Encumbrances as were truly and bona fide upon it, if discovered at or before the time of the Sale & not otherwise and the High Sheriff of the Said City and County is to make and execute A Deed Accordingly which it is hereby declared shall be good & effectual in The Law by virtue of this Act to Convey the Said Lands or Such parts thereof as shall be Sold to the purchaser his heirs and Assigns forever & if any Smaller part then the whole of The Lands or tenements Entred upon doth upon the Sale thereof raise money

Sufficient by the Sale thereof to pay the forfeiture or remaining part of the forfeiture due after Sale of the goods and Chattles the Sheriff Shall Stand seized of Such remaining part to the use of the former owner his heirs and Assigns who shall be immediately put into possession thereof and be revested reseized and repossess of the former Estate he the Said Owner had in Such remaining part as fully and effectually as if no such entry by the Sheriff had been made any thing herein to the Contrary notwithstanding and if the Entry of the Sheriff be upon an Estate for life lives or Years he shall Stand Seized to the use of the VENDEE or purchaser and the Conveyance of the Sheriff Shall vest the whole or Such part as shall be Sold and Disposed in the purchaser During the life or lives or number of Years Such estate was held for and the purchaser Shall be put in the possession thereof Accordingly And any part of Such Estate that Shall remain unsold after the money to discharge the forfeiture is raised and paid Shall be Held by the Sheriff to the use of the former owner his Devisees or Assignees who Shall be immediately put into possession thereof and hold & possess Such remaining part as fully and absolutely as if no such Entry had been made and it is hereby made a Direction to the Sheriff that he Sell no greater part of any Such Estate Entred upon by him then will raise money Sufficient to discharge the forfeiture or remaining part of the forfeiture incurred by the owner and the growing Charges and as soon as may be put the owner into possession of the remaining part And it is hereby Enacted that in Case the Sheriff Enter upon an Estate tayle he shall Stand Seized to the use of the purchaser of the whole or part and to the use of Tenant in Tail for the part that Shall be unsold and the person purchasing devices and Assignees Shall by this Act be upon Such purchase Seized during the life of Tenant in the Tail of Such part as he Shall purchase and the Sheriff shall make his Deed accordingly AND the Remaining part unsold if any be Shall be put into the Possession of the Tenant in taile who shall hold possess and enjoy the remaining part as fully and effectually as if no Such entry had been made and after the death of Tennant Intail it Shall be lawfull for the Issue in tail to enter upon the Sheriffs Vendee and hold the Estate tayle as fully and Effectually to all Intents Constructions and purposes whatsoever as if no Such entry and Sale had been made.

AND be it Enacted by the Authority aforesaid that before the Sheriff makes Sale of any the Lands tenements and

hereditaments by him entred upon by Virtue of this Act he Shall at Least thirty days before Such Sale affix publick Advertisements on the Church doors and other publick places in the City and County of Albany of the Estates he intends to Sell and of the time and place of Sale And if at or before the Time Appointed for Sale the persons or person who have or hath Incurred the forfeiture his or any of their heirs Devisees Ex'tors or anybody for him them or any of them will enter into Recognizance with two Sufficient Securitys to his Majesty his heirs and Successors in double the Sum due from him or any of them for the forfeitures for Illegal Trading and the proportionable part of the Growing Charges on Condition to pay SUCH Sum of money as was then due from the person or persons incurring the forfeiture at the time of the Entry made with the Growing Charges and Such as shall after that Acrue unto the Treasurer of this Colony for the time being on or before the first day of September which Shall be in the Year of our Lord One thousand Seven hundred & twenty eight that then the Said person incurring such forfeiture his heirs devisees or Assigns Shall retain the Seizin and possession of such Lands as fully and Effectually to all Intents Constructions And purposes whatsoever as if no Such entry had been made and if any of the persons Convicted by Virtue of this or any Former Acts as aforesaid for Illegal Trading or that shall be afterwards Convicted by virtue of this Act Shall on or before the first day of May which will be in the Year of our Lord One thousand Seven hundred and twenty eight Enter into Such recognizance as aforesaid there shall be no seizure of the goods & Chattels Nor Entry's into the Lands tenements or hereditaments of any Such persons so entring into recognizance as aforesaid anything in this Act to the CONTRARY Notwithstanding

AND Whereas the only View which the Legislature has in Vesting the powers aforesaid in the Said High Sheriff is to secure the Effectual payment of the fines and Penalties Incurred by those who traded with the French Contrary to the Laws of this Colony be it Enacted by the Authority aforesaid That If the s'd High Sheriff or the Sheriff for the Time being Shall Not in all things well and truly observe the Several Directions by this Act required of him to be observed or Shall make any Clandestine Sale of the Goods & Chattles or of the Lands Tenements and hereditaments which he Shall happen to Seize or enter upon by virtue of this Act The Said High Sheriff or the high Sheriff for

the time being not observing the Said Directions or making Such Clandestine Sale Shall Over and above the beforementioned penalty of five hundred pounds be Subject and Lyable to the forfeiture of double the Value of the Goods and Lands he shall presume to make such Clandestine Sale of To be recovered in manner aforesaid by the party or partys agreived So Much thereof onely to and for the use of the Kings Majesty as will make up the Forfeitures and Charges to which the person or persons are respectively liable FROM whom Such Estate real or personal was seized or entred upon And all the remainder to and for the use of the party or partys Agrieved by Such Clandestine Sale. And in Case The Said High Sheriff for the time being Shall exact Extravagant or Exorbitant ffees or Charges for or by reason of the Seizures or Sales aforesaid he the said Sheriff his heirs Executors and Administrators Shall for Such Exaction be Subject and Liable to Such farther fines and forfeitures for relief of the party Injured as by Act or Acts of the general Assembly hereafter to be made for that purpose Shall be ordered and directed

BE it also Enacted by the Authority aforesaid that in case any of the Lands Tenements or hereditaments which the Said high Sheriff Shall seize and enter upon by virtue of this Act Should happen to remain unsold for want of buyers or by any other means whatsoever he the Said Sheriff or the sheriff for the Time being Shall Stand and remain Seized of Such part as shall remain unsold, No Longer than until Such time as the Same shall be otherwise ordered and disposed of by Act or Acts of the General Assembly hereafter to be made & Published for that purpose.

BE it farther Enacted by the Authority aforesaid That the Said High Sheriff & likewise the aforesaid Town Clarke Shall before any of the Summonses by this Act directed are Issued Or Executed Each of them take the oaths hereinbefore required to be taken by the Said Mayor Recorder & Aldermen. And the Said Sheriff & town Clerk omitting to take Such oaths (the taking or omitting of which is to be duly entred in the aforesaid two Books) they or such of them omitting or refusing to take the said Oaths shall be Subject and Liable to the penalty herein before Laid and inflicted upon them respectively And the Said High sheriff is hereby required to Sign the Certificate in the Said two books which is hereby ordered to be Signed by the Mayor Recorder and Aldermen Aforesaid And be it Enacted by the

Authority aforesaid That all the money which Shall arise and be paid into the Treasury by means of the Fines Forfeitures and Penaltys aforesaid Shall be imployed towards the discharge of the one thousand six hundred eighty two pounds & Seventeen shillings & three pence half penny herein before mentioned or Such part thereof as may be requisite for that end.

AND for as much as it may So happen that out of the Several Sums hereby applyed to Discharge the Said one thousand Six hundred and eighty two pounds Seventeen Shillings and three pence half penny A Sufficient Sum may not Come into the Treasury time enough to make Immediate payment of Such part thereof as hereinbefore is Enacted to be payd preferable to all others Be it Enacted by the Authority aforesaid that it shall and May be LAWFULL to and for the Treasurer of this Colony to borrow A Sum not Exceeding ye Sum of Seven hundred pounds out of money now in his hands by virtue of one Act Entituled An Act for Laying an Excise on all Strong Liquors retailed in this Colony passed in the twelfth Year of her Late Majestys reign. And by virtue of another Act (appropriating the Said Excise) Entituled an Act for paying and Discharging the Several debts and Sums of money Claimed as debts of this Colony to the Several persons therein named and to make and enforce the Currency of Bills of Credit to the Value of twenty-seven thousand six hundred and Eighty pounds for that Purpose also to Make void all claims and demands made or pretended to be due From this Colony before the first day of June one thousand Seven hundred and fourteen and to prevent this Colony from being in debt for the future passed in the thirteenth Year of her Said Late Majestys reign any thing in the Said Acts or either of them to the Contrary thereof in any wise notwithstanding. PROVIDED however that out of the money hereby enacted to be So borrowed So much only Shall be made use of as may be requisite and necessary to pay & discharge the Several Articles herein made payable preferable to all others as aforesaid and the Same is to be Applyed for that end Accordingly & to & for no other use or purpose Whatsoever

AND to the End the Treasury may be enabled to repay the money So to be borrowed after the Several Sums herein before mentioned are fully discharged and be in A Capacity to answer Such future Charge as may hereafter be thought Necessary to Support and maintain The Said Trading house at Oswego or any other Exigencies BE IT Enacted by the Authority aforesaid

That one Act of the general Assembly herein before mentioned Entituled an Act to lay different dutys on the Goods therein mentioned and for regulating the Indian Trade in the City and County of Albany for the Term of two Years and for moderating & Ascertaining the fines incurred by former Acts if paid within the time Limited in this Act passed in the twelfth year of His Late Majestys reign as also one other Act herein likewise before mentioned Entituled an Act for explaining & Enforcing an Act Entituled An Act to Lay different dutys on the Goods therein Mentioned and for regulating the Indian trade in The City and County of Albany for the term of two Years and for moderating & Ascertaining the fines Incurred by former Acts if paid within the Time Limited in this Act passed in the thirteenth Year of his Said Late Majestys reign And every Article Clause & thing therein Contained Except what is Altered by this Act Shall Continue and remain of full force and Virtue until the eighth day of January which will be IN the Year of our Lord one thousand Seven hundred and Twenty nine in as full and Ample manner to all Intents Constructions & purposes whatever as if the aforesaid two Acts had been At Large incerted in the body of this Act and the Continuance of the dutys Fines forfeitures and penaltys therein Contained are hereby Given and granted to his Majesty his heirs & Successors to and for the ends and purposes directed by this Act and to and for no other ends or purposes whatsoever

AND WHEREAS by means of Letting to farm the dutys Laid by the first of the Last mentioned Acts Great Contentions Complaints and Confusions have happen as well among the farmers themselves as among other people for prevention whereof BE IT ENACTED by the Authority aforesaid that from & after the Eighth day of July which will be in the Year one thousand seven hundred & twenty Eight and during the one Year & A half for which Time the Said Dutys are hereby Contained the Same Duty and all other matters whatsoever relating thereto Shall be under the Care direction and management of Rutgers Bleeker John De Peyster & Dirk Tenbroek Who are hereby appointed authorized and impowered to be commissioners for Executing the Said two last mentioned Acts from and After the Aforesaid Eighth day of July one thousand Seven hundred & twenty eight until the Eighth day of January which will be in the Year one THOUSAND Seven hundred & twenty nine & for that purpose

the above named Commissioners or any two of them Shall be & hereby are Vested with all & Singular the powers and Authoritys be Obliged to enter into the Same recognizance Subject to the Same Directions and restrictions Lyable to the Same penaltys and be entitled to the Same reward as in the Aforesaid two last mentioned Acts or either of them are mentioned & exprest in that behalf in as full and Ample manner to all Intents Constructions and purposes whatever as if all and Singular the matters above mentioned had been re-enacted in the body of this Act And the Said Commissioners or any two of them shall likewise have full power and Authority to make Such Common Stamp or Seal for Stamping or Sealing of Strouds as they Shall think fit to devise And to Appoint Such Stamper or Sealer as they Shall think proper

And in Case the Said Commissioners or either of them Shall refuse to Act dye or remove between the respective times herein before mentioned others are to be nominated & Appointed in the same manner and to the Same end & purpose as in & by the first of the Last mentioned Acts in that behalf is Enacted

AND be it further Enacted by the authority aforesaid that all the moneys to Arise by the dutys hereby continued by the double dutys Arisen on Indian Goods between the Seventeenth day of June & the Eighth day of July one thousand Seven hundred & twenty Six as likewise all the moneys to Arise by means of the fines & forfeitures & penaltys herein before mentioned together with the moneys expected to be paid by Nicolas SCHUYLER and Jacob Wendell as aforesaid Shall be paid unto the present Treasurer of this Colony or the Treasurer thereof for the time being who having paid and discharged the afore mentioned Sum of one thousand Six hundred & eighty two pounds Seventeen Shillings and three pence half penny in the manner as herein before is directed is to Imploy and apply all the remainder in the manner following, That is to say In the first place to repay Such part of the Excise as he shall have borrowed from the Same by virtue of this Act which he is then to replace to the Account of the Said Excise to and for the Same ends and purposes as are directed in & by the before mentioned two Acts which granted & applyed the Said Excise. And all the surplus which Shall then remain of all the fonds & particulars herein aforementioned Shall be Imploy'd and disposed of for Such use And Uses In Such manner as the Governour Council & general assembly

for the time being by Act or Acts hereafter to be made for that purpose Shall be directed And Appointed Any former Laws to the Contrary hereof in Any Wise notwithstanding

AND be it further Enacted by the Authority aforesaid that it Shall and may be Lawfull for the Said Treasurer to retain in his hands out of All the moneys he shall receive and pay by Virtue of this Act Except Such part thereof as in and by any former Act or Acts he had An Allowance for As A reward for his trouble therein and rendring Accounts thereof the Sum of ffive Pound for every one hundred pounds he shall So pay and receive and after that rate for A greater or Lesser Sum

AND be it further Enacted by the Authority aforesaid that of all the SEVERAL and respective Sum & Sums of money which the Said Treasurer Shall receive and pay by virtue of this Act he Shall keep exact and distinct books & Accounts & to render Such Accounts upon oath to the Governor for the time being the Council & General Assembly when by them or either of them he shall thereunto be required

AND WHEREAS in & by the Act herein beforementioned Entitled An Act for regulating And Securing the Indian trade to the Westward of Albany and for defraying the Charge thereof, all persons going to the falls of Onondaga river were Enjoyed to trade at no greater distance than five hundred Yards from the place which should be markt out, for building of the conveniencys intended by that Act with A View to keep all our people in A body in Case the Said building Should have met with opposition and for as much as the Trading House at Oswego is now actually built and finisht be it Enacted by the Authority aforesaid that from and after the Publication of this Act It Shall and may be Lawfull to and for all persons going thither to trade to Extend the Same trade so much further Westward of the Said House as to the Said traders or any of them shall Seem Meete Any thing in the Said Act to the Contrary thereof in any Wise Notwithstanding PROVIDED nevertheless That all other matters touching and Relating to the Indians or Indian Trade Shall remain UNDER the Same Restrictions and Regulations as the Same are mentioned and Enacted by the above mentioned Act and by the two Acts hereby Continued for and during the Continuance thereof Respectively.

[CHAPTER 501.]

[Chapter 501, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 323. Expired November 1, 1728. See chapter 463.]

An Act for Continuing an Act Entitled an Act appointing Commissioners to let to farne the Excise of Strong liquors in the Cities and Counties in this Collony & for changing Some Commissioners and for Recovering the arrears of the Excise.

[Passed, November 25, 1727.]

BE IT ENACTED by the Governour councill and Generall Assembly and it is hereby Enacted by the Authority of the Same, That one act of the Generall Assembly of this Collony Entitled an Act Appointing Commissioners to let to farne the Excise of Strong liquors in the cities and counties in this Collony made in the twelfth yeare of the reigne of our late Soveraigne KING GEORGE of Glorious memory which will Expire by its owne limmitation on the first day of November in this present yeare one thousand Seaven hundred & twenty seaven and every article clause and thing therein contained Excepting what is altered by this Act Shall be in full force and Virtue untill the first day of November which will be in the yeare of our Lord one thousand Seaven hundred and twenty Eight.

AND WHEREAS two of the Commissioners named and Appointed in the aforesaid Act have since the passing thereof been elected to be representatives in this present Generall assembly and one other of the said Commissioners hath desired to be Excused from being Commissioner after the first day of november now next Ensuing, be it therefore Enacted by the Authority afforesaid that from the said first day of November and during the Continuance of this Act the following persons shall be and hereby are Appointed Commissioners to let to farne the Excise for the respective Places hereunder mentioned that is to Say

For the County of Richmond Abraham Cole in the place and Stead of Mr. John Lecount

For the County of Orange Vincent Mathews in the place & stead of Cap't Cornelius Harvy and for Queens County Samuel

Stringam in the place and Stead of Mr. Stephen Hicks. Which said Commissioners shall respectively have the Same powers and Authorities and BE Entitled to the Same rewards and Subject to the Same directions & Penalty's as are allowed and Enjoined to the Several Commissioners named and appointed in the afore-said Act.

AND whereas many of the Commissioners appointed by the Said Act and Several other Acts of the General Assembly of this Colony to Let to farme the Excise have neglected to render an Account for what Sums of money and to what Persons they have let the Said Excise of Strong Liquors in the Several and respective places In which they were Empowered to Let the Same and others of the said Commissioners have either omitted to gather in & collect the Several Sums of money due and payable by persons to whom they Let the Said Excise or Retained the Same in their or Some of their hands To the great detriment of the Publick in that respect. BE it therefore Enacted by the Authority aforesaid That every of the Said Commissioners who have so neglected to gather in and collect the Several Sums of money So due & payable or retained the Same in their hands as afore-said And Shall not take Effectual care to pay all the Arrearages of the Said Excise already due or to be due on the first day of November in this present Year One thousand Seven hundred and twenty Seven Unto the Treasurer of this Colony on or before the first day of May which Shall be in the Year of our Lord one thousand Seven hundred and twenty eight Every Such Sum of money so due and in Arrear Shall be deemed taken and Esteemed to be paid and Satisfied to Each of the Several & respective Commissioners who Let the Same and Shall be recovered from Such Commissioner or Commissioners their heirs Ex'tors or administrators by due Course of Law without any favour or farther forbearance to any of Such Commissioners as Shall omitt or neglect to pay into the Treasury All the Said Arrears on or before the Aforesaid first day of May.

AND the Treasurer of this Colony is hereby charged impowered & required to Cause prosecution to be made accordingly against all and every of the Said Commissioners So Neglecting or delaying to pay their respective Arrears in manner aforesaid

[CHAPTER 502.]

[Chapter 502, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 323. Livingston & Smith and Van Schaack says that this act was repealed by the king April 20, 1729.]

An Act for Preventing Prosecutions By
Informations

[Passed, November 25, 1727.]

WHEREAS Many of his Majestys Leige Subjects have of Late been prosecuted in their respective Counties and in the Supream Court of this Colony upon Informations filed Against them by the Attorney General and his Deputys tho' the matters charged Against them have generally been trivial and inconsiderable, and Numbers of his Majestys Justices of the Peace in the respective Countys within this Colony Still Lying under the like Prosecutions to the greivous hurt and oppression of his Majestys good Subjects inhabiting the Said Colony

BE IT therefore Enacted by the Governour Council & General Assembly and it is hereby enacted by the Authority of the Same that all Informations fil'd by his Majestys Attorney General of This Colony now depending in the respective Courts of this Colony Shall be quash'd And the respective Judges and Justices of the Several Courts in this Colony where Such Informations are filed Shall not allow or admit any process or proceedings whatsoever thereon after the Publication of this Act And all Such process & proceedings are then to cease Determine and become void and be dismist the Said court or Courts accordingly.

AND be it farther Enacted by the Authority aforesaid that from and after the publication of this Act No person or persons Whatsoever shall be troubled vexed or disturbed in his or their Liberty or Estate by the Kings Attorney General for the time being or by his Deputy or Deputys or any other person or persons whatsoever upon pretence of any Misdemeanour committed otherwise than by presentment of A grand Jury or by information by an order from the Governour for the time being Signed in Council for Such prosecution & the party or partys so prosecuted Shall be brought to tryal the Second Court after such Information filed or be discharged the Court without paying of any Fees Any Law Usage or Custom to the Contrary notwithstanding. Provided that of the Actions already Commenced any person or Persons prosecuted by information & brought to upon Information as aforesaid Such of them may be brought on

Again as the Gov'r for the time being by an Express order Sign'd in Council within one month after the publication of this Act Shall order and Direct.

Provided also that as well the prosecutions to be made on Such orders as on any other Such order or Orders to be Signed thereafter in manner as aforesaid Shall be triable in the respective Countys onely where the matters of fact did arise or was Committed.

AND be it further Enacted by the Authority aforesaid that any person or Persons prosecuted by information & brought to tryal the Second Court as aforesaid and Acquitted by the verdict of twelve men Shall be discharged the court without paying of any fees Excepting to Such Person or Persons as he she or they shall imploy in their necessary Defence.

AND be it Further Enacted by the Authority aforesaid that if the Attorney General for the time being his Deputy or Deputys or any other person Shall prosecute any Person or persons contrary to the true intent & meaning of this Act (excepting on Such penal Statutes as include the Plantations or where it is otherwise provided for by Acts of the General Assembly of this Colony) Shall forfeit one hundred pounds currant money of the Same colony for every Such offense to be recovered by Action of debt in any Court of this Province the one half to the person or persons who Shall prosecute the Same to effect and the other half to his Majesty his heirs and Successors.

AND be it further Enacted by the Same Authority, That this Act shall be of fforce for the Terme of three Years from the Publicacon thereof & no longer.

[CHAPTER 503.]

[Chapter 503, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 323. Expired, June 12, 1733. See chapter 475. Provided for by chapter 593.]

An Act for Continuing An Act of General Assembly of this Colony Entituled an Act for Reviving An Act Entituled AN ACT for Regulating the Ferry between the City of New York and the Island Nassau and for Moderating some Rates of the former Ferriage.

[Passed, November 25, 1727.]

WHEREAS An Act of General Assembly of this Colony made in the fourth year of his late Majestys Reign Entituled AN ACT

for Regulating the Ferry between the City of New York and the Island Nassau being Expired by its own Limitation was by, an Other Act of the General Assembly Entituled AN ACT for Reviving an Act Entituled An Act for Regulating the Ferry between the City of New York and the Island Nassau passed in the twelfth year of his Said late Majestys Reign Enacted to be Revived and Continue in force from the Publication thereof untill the twelfth day of June which will be in the year of our Lord one thousand seven hundred and twenty Eight. And to the End no disputes or Controversies may happen Concerning the Ferriage of persons and Goods Transported over the Said Ferry after the Limitation of the time above mentioned BE IT ENACTED by the Governour Council and General Assembly AND IT IS HEREBY ENACTED by the Authority of the same that the last mentioned Act Entituled AN ACT for Reviving an Act Entituled An Act for Regulating the Ferry between the City of New York and the Island Nassau and Every Article Clause and thing therein Contained Excepting what is Altered by this Act be Continued and to Remain in full force and Vertue for and during the Term of five years from and after the Aforesaid twelfth day of June which will be in the year of our Lord one thousand seven hundred and twenty Eight. AND BE IT FURTHER ENACTED by the Authority aforesaid that instead of the Rates and Prices Enacted by the first mentioned Act to be Demanded and taken for Transporting Men Women Children Horses Cattle and all manner of Goods Wares and Merchandizes and Other Commodities whatsoever by the Ferry Man for the time being there shall no Greater or Other Rates or Prices be demanded taken or Received from and after the Aforesaid twelfth day of June and during the Continuance of this Act than those hereunder mentioned that is to Say For Transporting Every Person from the City of New York to the Island Nassau or from the Island Nassau to the City of New York Ten Grains of Sivil Pillar or Mexico Plate or two Pennys in Bills of Credit made Current in this Colony, and after Sunsett double that Rate unless A Neglect or Refusal in the Ferry Man to Transport Passengers over Sooner allways PROVIDED that any Portable thing which A Man or Boy Carrys under his Arme or A Woman under her Arme or in her Apron shall be Included in their Ferriage

for Every Horse or Beast one Shilling in like Money

for Every Calf Alive four pence in like Money

for Every Hog alive four pence in like Money

- for Every Sheep or Lamb three pence in like Money
- for Every Barrell of Rum, Sugar Molasses or Other full Barrell
Eight pence in like Money
- for Every dead Hog three pence in like Money
- for Every dead Sheep Lamb or Calfe two pence in like Money
- for Every Barrell of Beer or Cyder Eight pence in like Money
- for Every Empty Barrell three pence in like Money
- for Every Empty Pipe or Hogshead Nine pence in like Money
- for Every Beasts Hide three pence in like Money
- for Every Undrest Calf or Sheep Skin one penny in like Money
- for Every Pail of Butter one Penny in like Money
- for Every Firkin or Tub of Butter two pence in like Money
- for Every Bushell of Salt one penny in like Money
- for Every Bushell of Wheat, Rye, Oats, Barley, Indian Corne
or Other Grain half A penny in like Money
- for Every Pipe of Wine four Shillings in like Money
- for Every Hogshead of Molasses four Shillings in like Money
- for Every Hogshead of Rum Wine or distilled liquors four
Shillings in like Money
- for Every Hogshead of Tobacco four Shillings in like Money
- for Every Inch board one penny in like Money
- for Every Board of one Inch and an half one Penny half penny
in like Money
- for Every Waggon five shillings in like Money
- for Every pair of Cart Wheels Eighteen pence in like Money
- for Every Cupboard or Press for Clothes three Shillings in
like Money
- for Every Empty Trunk or Chest Nine pence in like money
- for Every full Trunk or Chest One Shilling in like Money
- for Every half Barrell of Flour three pence in like Money
- for Every Barrell of Bread Six pence in like Money
- for Every bag of Bread one penny half penny in like Money
- for Every Gammon of Bacon half a penny in like Money
- for Every hundred of Eggs three Eggs and so in proportior
for A greater or lesser Number.
- For Every Turkey or Goose half a penny in like Money
- for Every Fowl one farthing in like Money
- for Every hundred Weight of Iron or Steel Six pence in like
Money
- for Every hundred Weight of Lead or Shott Six pence in like
Money

for Every hundred Weight of Gunpowder one Shilling in like Money

for Every Scyth or Sith half a penny in like Money

for Every Firkin of Soap two pennys in like Money

for Every Cheese half a penny in like Money

for Every Corne Fann three pence in like Money

for Every hundred of Shingles Six pence in like Money

for Every Ceder Bolt one penny in like Money

for Every Common bag of Cotton Wool one penny in like Money

for Every Bayl of Cotton or Hops Eighteen pence in like Money

for Every Coach Six Shillings in like Money

for Every Chaise three Shillings in like Money

for Every Single Sleigh Eighteen pence in like Money

for Every double Sleigh two Shillings in like Money

for Every piece of Osenbrigs two pence in like Money

for Every piece of Blanketts Eight pence in like Money

for Every piece of Cotton, Penniston, Flannel or Frize four pence in Like money

for Every piece of Broad Cloth Kersey Strouds half Thicks and Druggetts three pence in like Money

for Every piece of Wadding two pence in like Money

for Every piece of Duroys Callininco, Sholloon or other Stuff and for Every piece of Garlix Holland or other Linnen (unless Carried under the Arm or in an Apron as Aforesaid) one penny in like Money.

for Every hundred pounds weight of Iron, Brass or Copper Pots or Kettles Six pence in like Money and in that proportion for A Greater or Lesser quantity

for Every Bushell of Apples, Pears Turnips or any other thing usually Sold or measured by the Bushell half A penny in like Money.

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Ferryman for the time being Shall be Obligated to paste upon A Board and hang up in the Porch of the Ferry-houses, or at the most Publick place there A Table of the Rate and Prices of the Ferriage as the Same are hereby Established which Table is so to be hung or fixed up on the twelfth day of June next Ensuing and so to be Continued by the Ferryman for the time being during the Continuance of this Act.

[CHAPTER 504.]

[Chapter 504, of Livingston & Smith and Van Schaack, where the title only is printed. Title only printed in Bradford, 1732 ed., p. 323.]

An Act to Enable the Justices of the Peace in the County of Suffolk to build A County house & Prison.

[Passed, November 25, 1727.]

WHEREAS the Justices of the peace of the Said County at A General Sessions held therein in the Month of SEPTEMBER Last past did under their hands desire the present Representatives of the Same COUNTY to Procure an Act of the General Assembly to Enable them to erect and build A Convenient Court house and Gaol in the most Commodious Place at or Near A Place commonly called by the name of the head of the River AQUABOUG or PEKONNIK.

BE IT ENACTED by the Governor Council and General Assembly and it is hereby Enacted by the Authority of the Same that there be Assessed ~~be~~ Raised Levied & Collected on the freeholders inhabitants Residents and Sojourners in the said County the Sum of four hundred pounds to be paid at two Equal payments at the times and in the manner hereafter Express for the building finishing and compleating A County house and Prison in the Said County in the aforesaid Place

AND for the more orderly raising Levying and Collecting the Several Sums intended to be raised by this Act BE IT ENACTED by the Authority aforesaid that the Justices of the peace for the Said County or the major Part of them for the time being do meet on or before the first Tuesday in FEBRUARY next at the most common Place of their meeting in the said County who are hereby Authorized impowered and required to Quota or divide two hundred Pounds the equal half of the aforesaid Sum on the Towns mannors and PRECINCTS within the Said County and the Same Send to the Assessors and Collectors for the Time being of the Several towns mannors & precincts by warrants under their hands and Seals to Assess & Collect the Same on the Freeholders Inhabitants residents and Sojourners in Each respective town mannor and precinct on or before the twenty fifth day of

March next So that the Same be paid into the hand of the Treasurer of Said County on or before the first day of April next and Each Collector in the Said County is hereby required So to Do And the Treasurer of Said County is hereby required on the receiving from the Several Collectors the proportions of the Several towns mannors and Precincts to give Receipts gratis which receipts Shall be to Each Collector A Sufficient discharge.

AND BE IT FURTHER ENACTED by the Aforesaid Authority That the Justices of the Peace for the Said County are hereby Authorized impowered And required Again to meet On or before the last tuesday in the month of SEPTEMBER next At the County town or where the major part of them shall Appoint and Issue forth their warrants as is before directed in this Act for the Assessing Collecting and Paying the Sum of two hundred pounds the remainder of the money intended to be raised by this Act on or before the first day of April which will be in the Year 1729 to be Assessed Levied collected and paid as is before Expressed in this Act.

AND BE IT FURTHER Enacted by the Same Authority that the Justices of the Peace for the said County at their meeting or Meetings may at their discretions Appoint two or more able Freeholders in the Said County to be Overseers and Managers for carrying on the work of building and Erecting A County house and prison intended to be built by this Act at the place where The Same is before Mentioned in this Act in the way manner and according to the Dimensions which the Justices or the Major Part of them Shall Lay before them.

AND BE IT FURTHER ENACTED by the Authority aforesaid That after the Payment of any moneys (intended to be raised by this Act) into the hands of The Treasurer towards the defraying the Charge of building & finishing the Court house and Prison the Justices of the Peace or any two of them Shall give forth their Warrants from time to time & so often as they shall See Just Occasion to the Treasurer to pay the moneys So Received by him or any part thereof to the Persons therein named according to the Sums mentioned in S'd Warrant & to take receipts for the same And the Treasurer is hereby Required to keep A true & exact Account of all the moneys received & Paid by him by Virtue of this Act and give An Acco't of the same to the Justices or the major part of them when Thereto required.

AND BE IT FURTHER ENACTED by the Authority afores'd that there be raised Levied & collected over & above the Sums beforementioned nine pence on the pound for the Collectors Salary for gathering & paying the Same And if any Person or persons within the Limits of this Act Shall deny neglect or refuse to pay his or their proportion According to their Assessment then it shall & may be lawful for the Collector or Collectors to make distress and Sale of the offenders Goods and after the rate and reasonable Charges paid to return the Overplush if any there be to the owner or Owners.

AND be it Further Enacted by the Same Authority that it shall and may be Lawful for the Justices of the peace or the Major part of them to pay the overseers of said Work and the treasurer for the Services they Shall do According as they shall see meet out of the Moneys to be raised by Virtue of this Act

AND be it Further Enacted by the Authority aforesaid that in Case the FREEHOLDERS and Inhabitants in any town mannor Liberty or precinct within the Said County do or Shall omitt neglect or refuse to Elect or Chuse Assessors or Collectors whereby the intent of this Act may be Eluded or defeated that then and in Such case any two or more Justices of the Peace for the County aforesaid are hereby impowered Authorized and required to Nominate and Appoint Assessors and Collectors for Such towns mannors Libertys and precincts and the Assessors and Collectors So to be Nominated and Appointed shall to all intents Constructions and purposes whatsoever have the Same powers as Assessors or Collectors duly chosen & elected And they are accordingly to observe and Perform all and Every the directions which other Assessors and collectors by this Act are enjoined to Observe and perform.

AND be it Enacted by the Authority aforesaid that the Assessors of Each town mannor and precinct within the County aforesaid Shall before they or any of them do Execute the office of Assessor or Assessors take the following oath before any one of his Majesties Justices of the peace for the Said County who is hereby impowered and Required to Administer the Same that they Shall and will well truly Equally impartially and in due and equal proportion According to the best of their Skill and understanding Assess and rate the freeholders inhabitants and Sojourners of the respective places for which they Shall be Chosen or Appointed Assessors.

AND be it Further Enacted by the Authority aforesaid that if any Person or Persons Chosen or appointed Assessors or Collectors for the time being Shall deny neglect or unequally and partially Assess or refuse to make such Assessment as by this Act is required or Shall deny neglect or refuse to Collect any Sum or sums of money Laid taxed & Assessed in Form beforementioned and thereof be convicted before any one of his Majesties Justices of the peace for the Said County Shall forfeit the Sum of Forty Shillings Currant money of this Colony to be recovered before any one of his Majesties Justices of the peace for the said County who is hereby Authorized impowered and required to hear and determine the Same which Said Sum of forty Shillings is to be paid the one half to the treasurer OF said County towards defraying the Publick Charge of Said County and the other half to him that Shall Sue for the Same and the Said Justice to appoint other Assessor or Assessors Collector or Collectors in his or their room and Stead.

[CHAPTER 505.]

[Chapter 505, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 323.]

An Act to Repair the County house and
to Amend and Enlarge the Gaol or prison in
the County of Orange

[Passed, November 25, 1727.]

WHEREAS the County house in the County of Orange is much out of Repair & likewise the Gaol thereof which moreover requires to be Enlarged as well for the Securing by Accomodating Prisoners. BE it Therefore Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Supervizors of the Said County of Orange Shall and hereby are Authorized Impowered and required on or before the Last Tuesday in April next to meet together at Such place or places within the Said County as to them or the Major part of them Shall Seem meet and then, and there to nominate And Appoint two able and Sufficient freeholders dwelling and residing within the Said County to be managers for repairing the Said County house and Amending and enlarging the said Gaol or Prison of the Said County Stand-

ing and being in Orange Town commonaly called Tappan, which Managers are hereby directed and Required to Cause the Said County house to be repaired and the Gaol or Prison to be amended and Inlarged on or before the third Tuesday in OCTOBER next Ensuing.

AND be it further Enacted by the Same Authority that for defraying the necessary Charge for repairing the Said County house And Amending & Enlarging the Said Gaol or prison within the time aforesaid there be Levied raised Collected and Paid by the freeholders Inhabitants and Residents of and in the Said County A Sum not Exceeding the Sum of one hundred POUNDS and that the Supervizors for the time being or the major part of Them Shall at the time they are to name and appoint the managers as aforesaid Issue their Warrants under their hands and Seals directed to the Respective Assessors And Collectors of the Said County for the time being to Assess and Collect the Sum hereby intended to be Levied for the purposes aforesaid So as that the Same may be paid unto the Treasurer of the Said County for the time being on or before the first Tuesday in July then Next following

AND be it Further Enacted by the Authority aforesaid that the Managers So to be Nominated and Appointed as aforesaid Shall Cause to be made the Repairs and Additions hereby intended in Such manner as they Shall be Directed by the Supervizors or the Major Part of them which the Said Managers Are then to Comply with and to have it done in the best and Cheapest manner, And as the Managers Shall Employ workmen and Procure materials for the aforesaid Purposes, they are to Lay the Accounts thereof before The Supervizors who are thereupon if they find the Accounts Just and Reasonable to Issue their Warrant or Warrants for the Same on the County Treasurer, And Such warrants Shall be to him A Sufficient discharge for So much as Shall be Specified therein and pay'd by him, And the Said Treasurer Shall nevertheless be Accountable to the Supervizers at their Yearly Meeting for all the moneys received & paid by him by virtue of this Act and if any Overplus remaine after the work here by intended is Compleated the Same is to be for the Benefit of the Said County.

AND be it further Enacted by the Aforesaid Authority that the Said Sum not EXCEEDING One hundred pounds as aforesaid is to be raised Levied Collected paid and disposed of for the uses

aforementioned in Such manner and under the like pains and forfeitures and under the Same regulations & directions as all the other Necessary County Charges are by Law raised Collected and paid as Effectually to all Intents and Purposes as if the Laws relating thereunto had been Particularly and at Large Incerted in the body of this Act.

[CHAPTER 506.]

[Chapter 506, of Livingston & Smith and Van Schaack, where the title only is printed. The title only is printed in Bradford, 1732 ed., p. 323. Expired, November 1, 1730. See chapter 456.]

An Act for Reviveing an Act entituled
An Act for Laying out & clearing publick
High Ways in the precinct of Schohare in
the County of Albany and for Exchanging
some of the Commissioners.

[Passed, November 25, 1727.]

BE it Enacted by his Exency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same that an Act entituled an Act for laying out and clearing Publick HighWays in the precinct of Schohare in the County of Albany made in the Tenth Year of the Reign of our late Sovereign Lord King George of Glorious Memory expired by its own limi-tacon Shall be Revived and continued untill the ffirst day of November which shall be in the Year of Our Lord One Thousand Seven Hundred and Thirty And every Clause Article and thing therein contained is hereby revived and continued dureing the time aforesaid Saveing that instead of Peter Vrooman and William York appointed Comissioners by the Said Act Peter Kineskerk Johannes Vedder and Johannes Becker together with Johannes Layer Esqrs shall and are hereby appointed Commissioners dureing the continuance of this Act And that they or any three of them Shall and may Lay out and Regulate the Highway's abovementioned and be invested with the Same power and Authority and Entituled to the Same Reward as the Comissioners named and appointed in the Act aforesaid.

[CHAPTER 507.]

[Chapter 507, of Livingston & Smith and Van Schaack, where the title only is printed. The title only is printed in Bradford, 1732 ed., p. 323. See chapter 391.]

An Act to Repeal an Act of General Assembly Entituled an Act Prohibiting all persons but Robert Lettice Hooper and his Assigns to Refine Sugar dureing the Terme therein mentioned

[Passed, November 25, 1727.]

WHEREAS in and by One Act of the Generall Assembly Entituled an Act prohibiting all persons but Robert Lettice Hooper and his Assigns to Refine Sugar dureing the Terme therein menconed passed in the Seventh Year of his Late Majesties Reigne The Sole Liberty of Refineing Sugars for publick Sale in this Colony was Granted unto the Said Robert Lettice Hooper and his Assigns for the Terme of Ten Yeares from the publicacon thereof and a power to Recover the Sum of ffifty pounds from any person or persons that Should presume to refine Sugar and expose it to Sale dureing the Terme aforesaid With a proviso however That in Case the above named Robert Lettice Hooper or his Assigns Should Neglect Relinquish or Give over the Refineing Sugar within the Said Terme It Should then be Lawfull for any other person or persons to Use the Art Trade or Mystery of Refineing Sugar without Incurring the penalty aforesaid As in and by the Said Act Relation being thereunto had May more att Large Appear

AND WHEREAS it has been made Appear to the Satisfaction of the Generall Assembly That neither the Said Robert Lettice Hooper Or any person or persons for him has or have followed or practiced the Art Trade or Mystery of Refineing Sugar within this Colony for about a Year last past Whereby he has forfeited the benefitt of the said Act within the meaning and Intent of the proviso thereof And to the End none of his Majesties Liege Subjects may for the future be Discouraged from Undertaking to Refine Sugars within this Colony

BE it Enacted by the Governour The Councill and the Generall Assembly And it is hereby Enacted by the Authority of the Same That the aforesaid Act Entituled an Act prohibiting all persons but Robert Lettice Hooper and his Assigns to Refine Sugar dureing the Terme therein mentioned and every Clause

matter and THING therein Contained Shall from and after the publication of this Act be and hereby is Repealed Annuled and made Void to all Intents Constructions and purposes whatsoever Any thing in the Said Act to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 508.]

[Chapter 508, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act For Naturalizing James Fauiere
and Charlotte his wife Hester Besly the wife
of Thauvet Besly John Sybrandt Susannah
Mercier widdow Daniel Nunes da Costa John
George Puschart & Jacob Bomper

[Passed, November 25, 1727.]

WHEREAS James Fauiere & Charlotte his wife Hester Besly the wife of Thauvet Besly John Sybrandt Susannah Mercier Widdow Daniel Nunes da Costa John George Puschart and Jacob Bomper have by their humble petitions to the General Assembly of the Colony of New York desired that they may be naturalized and become his Majestys Leige Subjects within the Said Colony

BE it Enacted by his Excellency the Governour Council & General Assembly and it is hereby enacted by the authority of the Same That the Said James Fauiere and Charlotte his wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart & Jacob Bomper are hereby declared to be naturalized to all Intents Constructions and purposes whatsoever and from henceforth and at all times hereafter Shall be entituled to have and enjoy all the rights Libertys priviledges and Advantages which his Majestys natural born Subjects in the Said Colony ought to have and enjoy as fully to all intents and purposes whatsoever as if the Said James Fauiere & Charlotte his wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart & Jacob Bomper had been born within this his Majestys Colony of New York PROVIDED allways and it is hereby enacted that the Said James Fauiere & Charlotte his wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart & John Bomper Shall take the oaths Appointed by Law instead of the oaths of allegiance and Supremacy Subscribe THE Test and make repeat and Swear to and Subscribe the Abjuration Oath in any of his Majestys Courts in this Colony which Said

Courts are hereby required upon Application to them made to Administer the Same And take Subscriptions and cause the Names of the persons so Swearing and Subscribing to be entered upon record in the Said Court for which the Said Several persons are hereby required to pay Each of them the Several Sums hereunder mentioned that is to Say to the Speaker of the House of Representatives Ten Shillings to the Judge of the Court Six Shillings And to the Clerk Three Shillings.

AND be it further Enacted by the Authority aforesaid that if the Said persons having so Sworn and Subscribed as aforesaid Shall and do demand A Certificate of their being Entered upon record in manner aforesaid the Said Courts are hereby directed and required to grant the same under the hand of the Judge and Seal of the Said Court or Courts in which the Said James Fauiere & Charlotte his wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart and John Bomper Shall So Swear and Subscribe as aforesaid Counter Signed by the Clerk of the Said Court or Courts for Which Certificate They and each of them Shall pay over and above the Sums beforementioned Six Shillings One half to the Judge of the Said Court or Courts and the other half to the Clerk thereof which Said Certificate Shall at all times be A Sufficient proof of the Said James Fauiere & Charlotte his Wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart and John Bompers being naturalized by this Act in as full and Effectual A manner as if the record aforesaid was ACTUALLY produced by the Said James Fauiere and Charlotte his wife Hester Besly John Sybrandt Susannah Mercier Daniel Nunes da Costa John George Puschart and John Bomper. AND WHEREAS the following words are contained in the latter part of the Oath of Abjuration vizt [upon the true faith of A Christian] be it further Enacted by the Authority aforesaid that when ever any of his Majestys Subjects profesing the Jewish religion Shall present himself to take the Said Oath of Abjuration in pursuance of this present Act The Said Words [upon the true faith of a Christian] Shall be omitted out of the Said oath in administring the Same to Such person and the taking the said oath by Such person professing the Jewish religion without the words aforesaid in like manner as Jews are to be admitted to be Sworn to give evidence in Courts of Justice Shall be deemed to be A Sufficient taking of the Abjuration Oath within the meaning of this Act

THE TWENTIETH ASSEMBLY.

First Session.

(Begun July 23, 1728, 2 George II, John Montgomerie, Governor.)

[CHAPTER 509.]

[Chapter 509, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. See chapter 470. Expired, July 1, 1729. Continued by chapter 532.]

An Act to Continue the Currency of Bills of Credit Struck and Issued in the Year One Thousand Seven Hundred & Twenty, to the value of Five Thousand Ounces of Plate until the first day of July One Thousand Seven Hundred & Twenty Nine.

[Passed, August 31, 1728.]

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Bills of Credit to the Value of five Thousand Ounces of Plate Struck & Issued, by virtue of an Act, entituled, an Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New York, during the time therein Mentioned, and for repealing one Act of the General Assembly of this Province entituled an Act for a Supply to be Granted to his Maty for Suporting his Government in the Province of New York, from the first day of July, which shall be in the Year of our Lord, One Thousand Seven Hundred & Twenty, until the first day of July, One Thousand Seven Hundred & Twenty One, passed in the Seventh Year of our late Sovereign Lord King George of Glorious Memory, shall Continue and Remain Current within this Colony in all payments and in the Treasury, until the first of July, which wilbe in the year of our Lord, One Thousand Seven Hundred and Twenty Nine, any thing in the aforesaid Act, or any other Act to the Contrary hereof in any wise notwithstanding.

[CHAPTER 510.]

[Chapter 510, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 337. See chapter 390. Revived by chapter 638. Repealed by chapter 712 and therein provided for.]

An Act to Revive an Act Entituled an Act for mending and keeping in repair the Post Road from New York to Kings Bridge.

[Passed, August 31, 1728.]

WHEREAS an Act of the Generall Assembly of this Colony Entituled an Act for mending and keeping in Repair the Post Road from New York to Kings Bridge, passed in the twelfth Year of Queen Anne, being Expired by its own limitation, was by an other Act passed in the seventh Year of the Reign of his late Majesty Revived and to be of force untill the first day of May last past, and the aforesaid Act haveing been found very beneficiall for keeping the above mentioned Road in good repair.

BE it Enacted by his Excellency the Governour the Council and the Generall Assembly and it is hereby Enacted by the Authority of the Same, that the before mentioned Act Entituled an Act for mending and keeping in repair the Post Road from New York to Kings Bridge, passed in the twelfth Year of her said Ma'tys Reign, Shall and hereby is Revived and to be and remain of force from the Publication hereof, untill the first day of November, which will be in the Year of our Lord One thousand Seven hundred and thirty five and no Longer.

[CHAPTER 511.]

[Chapter 511, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. See chapter 448. Revived by chapter 553.]

An Act for Reviving an Act, entituled an Act for Setling & Regulating the Militia in this Province & making the same Useful for the Security and Defence thereof, & for Repealing all other Acts relating to the same

[Passed, August 31, 1728.]

BE it Enacted by his Excellency the Governour Council & General Assembly, & it is hereby Enacted by the Authority of

the same That one Act of General Assembly, entituled, an Act for Setling & Regulating the Militia in this Province & making the Same Useful for the Security & Defence thereof, & for Repealing all other Acts relating to the same, passed in the Tenth Year of his late Ma'ties Reign & Expired by its own Limitation shalbe and hereby is Revived & every Clause matter & thing therein Contained, to be & Remain in ful force for the term of two Years from after the Publication of this Act.

[CHAPTER 512.]

[Chapter 512, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in 1732 ed., Bradford, p. 344. See chapter 494. Expired November 11, 1730.]

An Act to Continue an Act Entituled An Act for destroying of Wolves in the County of Albany Dutches County and Orange County and for giving a further reward for killing of Wolves in the said Countys.

[Passed, August 31, 1728.]

BE it Eñacted by the Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the Same that one Act Entituled an Act for destroying of Wolves in the County of Albany Dutches County and Orange County made in the thirteenth Year of our late Sovereign King George of Glorious memory which will expire by its own limitation on the Eleventh of November in this present Year one thousand Seven hundred and twenty eight shall be continued and every Article Clause and thing therein contained remain of full force untill the Eleventh day of November which will be in the Year of our Lord one thousand Seven hundred and thirty and no longer.

AND be it further Enacted by the Authority aforesaid that over and above the reward allowed by the aforesaid Act for killing of Wolves within the Countys above mentioned there shall be allowed and paid to every Person or Persons killing any Wolfe During the Continuance hereof the Sum of four shillings in the Same manner and under the same regulations AND provisoes as are mentioned & directed in the aforesaid Act.

[CHAPTER 513.]

[Chapter 513, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. Expired, October 1, 1731.]

An Act for laying a Duty on Empty
Casks Imported into the City of New York

[Passed, August 31, 1728.]

WHEREAS the Importing great Quantities of Empty Casks out of the neighbouring Colonies into the City of New York is found by experience to be very hurtfull to the Coopers Inhabiting the Said City and will lay them under a necessity either of deserting their Habitations or to quit their Occupation which would be not only a great Discouragement to the trade and manufacture of the Said City but likewise a great Inconveniency to the Coopers aforesaid

BE IT therefore Enacted by the Governour Councill and General Assembly and it is hereby enacted by the Authority of the Same that on all new Empty Cask Imported from the Neighbouring Colonies into the Said City of New York from and after the first day of October in this present year One thousand Seven hundred and twenty Eight and during the Continuance of this act there shall be paid unto his majesty for the uses herein after-mentioned the rates and duties following that is to Say.

for Every Hogshead the Sum of One Shilling.

for Every Tight tierce the Sume of nine pence

for every Tight Barril half Barril Anker half Anker or other tight Cask the Sum of six pence.

for every flower and bread Barril the sum of nine pence, and, for every fflower or Bread half Barril the Sum of Six pence, all which rates and dutys are to be paid in Sevil pillar or Mexico plate Lion dollars or Bills of Credit made Current in this Colony

AND Be it Enacted by the Authority aforesaid that the Dock-master of the Said City of New York for the time being Shall be and hereby is Impowered Authorized and required to Collect and gather the dutys aforesaid One half part whereof to be paid by him half yearly to the Treasurer of this Colony for the time being to be applyed towards the Support of his Majestys Government in this Colony and to Retaine the other half to himself for his trouble in Collecting the Same

And be it further Enacted by the Authority aforesaid THAT in case any Empty Cask Shall be made appeare before any one of the Alderman of the Said City by the Oath of any Credible witness to be landed without first paying and dischargeing the duty for each Cask as by this Act is directed and appointed every Such Cask landed as aforesaid Shall be adjudged forfeited the one half to any person that Shall Informe and Sue for the Same and the other half to his Majesty to be applyed towards the Support of his Government.

AND Be it declared and Enacted by the Authority aforesaid that in Case any New Cask made in the Neighbouring Collony's Should first be brought into Some other parts of this Collony and afterwards Imported into the Said City of New York the Same Shall be Subject and liable to the like Dutys and forfeitures as if they had been directly Imported into the Said City

This Act to Continue from the first day of October in this present year One thousand Seven hundred and twenty Eight untill the first day of October which will be in the year One thousand Seven hundred and thirty One and no longer

[CHAPTER 514.]

[Chapter 514, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. Continued by chapter 546.]

An Act to prevent Swine runing at large in Dutches County and in the Mannor of Livingston and in the Precinct of the Mannor of Rensselaer's Wyck called Claverack in the County of Albany.

[Passed, August 31, 1728.]

WHEREAS it is found by Experience that the runing of Swine at large within Dutches County, the Mannor of Livingston and the Precinct of the Mannor of Rensselaers Wyck calld Claverack, has been and is still a great Damage to the Setelments in those parts as well in the extraordinary trouble and Charge in their Fences and in the destroying of their Corn and Pastures as also by rooting up the Woods and Marshes to the great hindrance of the Increase of Catell and horses

Be it therefore Enacted by his Excellency the Governour Councill and Generall Assembly and it is hereby Enacted by the

Authority of the Same that within Dutches County the Mannor of Livingston and in the Precinct of the Mannor of Rensselaer's Wyck called Clavereck in the County of Albany from and after the tenth day of Octob'r in this present Year one thousand Seven hundred and twenty Eight, no swine small nor great shall nor may run at large upon any pretence or Excuse whatsoever under the penalty that it Shall and may be Lawfull for any Person or Persons who shall find any Swine within the County of Dutches Mannor of Livingston and in the Precinct of the Mannor of Rensselaers Wyck Called Claverack runing at large as aforesaid after the said tenth day of October (Except in the feilds and Inclosures of the Owners of Such Swine) to shoot Kill and distroy any swine great or small without being in any ways accountable to the OWNERS of Such Swine and that this Act be in force for two Years and no longer.

[CHAPTER 515.]

[Chapter 515, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 338. See chapter 435. Expired, December 1, 1733.]

An Act to Revive an Act entituled an
Act for the Encouraging Navigation.

[Passed, August 31, 1728.]

WHEREAS an Act Passed in the first Year of his late Majestys Reign entituled an Act for the Encouraging Navigation being Expired by its own Limitation, was by another Act, Passed in the Ninth Year of his Said late Ma'ty, Revived and to be of Force, until the Sixth day of July last past, and the aforesaid Act having been found of great Use and Encouragement to the Navigation of this Colony. Be it Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the above mentioned Act, entituled, an Act for the Encouraging Navigation, Passed in the said first Year of his late Majestys Reign, shalbe, and hereby is, Revived & to Continue and Remain of full Force, to all Intents Constructions and Purposes whatsoever, from the Publication hereof, until the first day of December, which wilbe in the Year, One Thousand Seven hundred & Thirty three and no longer.

[CHAPTER 516.]

[Chapter 516, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 323. See chapter 467. Explained by chapter 567. Expired September 1, 1733. Repealed by chapter 591.]

An Act to repeal Some partes and to Continue and Enforce other partes of the Act therein mentioned and for granting Several Dutys to his Majesty for Supporting his Government in the Colony of New York from the first day of September One thousand Seven hundred & twenty eight untill the first day of September which will be in the Year One thousand Seven hundred and thirty three

[Passed, August 31, 1728.]

WHEREAS the Support of his Majestys Government in and over this Colony is provided for no longer than untill the first day of July next ensueing. And the General Assembly being willing to manifest as well their and the peoples duty and loyalty to as affection for his Majestys Person and Government by providing an Ample and Honorable Support of the Government in the Said Colony for a longer time in the manner herein after mentioned.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly and it is hereby ENACTED by the Authority of the Same that one Act of the Generall Assembly Entituled an Act granting to his Majesty the duties and taxes therein mentioned for Supporting his Government in the Colony of New York from the first day OF July One thousand Seven hundred and twenty Six to the first day of July One thousand seven hundred and twenty nine passed in the twelfth year of his late Majestys reigne Shall be repealed on the first day of September next ensuing and every Clause Article matter and thing therein Contained is hereby Enacted and declared to Stand repealed and become utterly null void and of no Effect on the Said first day of September next ensueing excepting only such parts thereof as hereby Shall be continued and Enforced

BE IT ENACTED by the Authority aforesaid that the Tax of twelve hundred pounds which by the before mentioned Act was to be laid levyed and Collected in this present year One thousand Seven hundred and twenty eight and thereby Ordered to be paid

into the Treasury on or before the first day of November next ensuing shall Still be laid levied gathered and Collected & paid unto the Treasurer of this Colony at the time and in the manner as in and by the said Act is directed any thing herein contained to the Contrary in any wise notwithstanding.

BE it farther ENACTED by the Authority aforesaid that all Arrearages of the two other taxes mentioned in the Act aforesaid and thereby directed to have been paid into the Treasury in the years one thousand Seven hundred & twenty Six and one thousand seven hundred & twenty seven shall be forthwith paid unto the said Treasurer by the respective Collectors who have collected or were to gather the same on the penalties herein after mentioned to be Inflicted on Such of them as Shall omitt or neglect to doe and PERFORM the same on or before the tenth day of December next Ensuing

AND for the Effectual Assessing the beforementioned Tax of twelve hundred pounds BE IT ENACTED by the Authority aforesaid that the Mayors and Aldermen of the Citys of New York and Albany as likewise the Justices of the peace within this Colony or the major part of them for the time being (if they have not met for that purpose at the time mentioned in the aforesaid act) do Assemble and meet together on or before the last tuesday in the month of September next ensuing at the respective places mentioned in the Said Act and then and there by Warrants under their hands and Seales order the Assessors and Collectors of the respective Citys Towns Mannors Libertys wards Islands and precincts within their Severall Jurisdictions to Assesss and Collect the aforesaid tax according to the respective Quota's mentioned and directed in and by the before mentioned Act, And forasmuch as the time therein appointed for the doing thereof may in some places have been Elapsed the Said Mayors and Aldermen and the Justices of the peace aforesaid are hereby directed and required to take effectual Care that the assessment and Collection of the Said twelve hundred pounds tax may be made in Such manner as that the mony intended to arise thereby may effectively be paid into the Treasury on or before the tenth day of December next Ensuing

BE IT ENACTED by the Authority aforesaid THAT the Mayors Aldermen and Justices of the peace above mentioned Shall take effectual Care that all Arrearages of the two taxes which by virtue of the Act aforesaid were to have been paid unto the Treasurer in the years one thousand seven hundred & twenty

Six and one thousand Seven hundred and twenty Seven shall be paid into the Treasury on or before the tenth day of December next ensuing And the Said Mayors Aldermen and Justices are hereby Strictly charged and required to take effectual care that the Arrears aforesaid Still due and payable in the Several Citys and Countys of which they are Mayors Aldermen or Justices respectively be effectually paid into the Treasury accordingly on or before the day above mentioned

AND to the end the Tax and Arrears aforesaid may Accordingly be punctually paid in BE IT ENACTED by the Authority aforesaid that as well the Mayors and Aldermen of the Said Citys as the Justices of the peace within this Colony Shall have and hereby are vested with all and Singular the powers and Authorities which were given unto them in and by the before mentioned Act to the end they may be fully enabled to put this act in Execution According to the true intent and meaning thereof; And they or any of them refusing neglecting or delaying to perform the same and Shall thereof be lawfully Convicted in any Court of Record within this Colony Shall Suffer for the Same Such pains and penaltys by ffine or Imprisonment as at the discretion of the Justices of Such Court Shall be adjudged

BE it Enacted by the Authority aforesaid that all and every the Assessors and Collectors within this Colony chosen or appointed in the manner directed in and by the before mentioned Act Shall be and hereby are vested with all and Singular the powers and Authoritys by the same Act given unto them respectively for Assessing and Collecting the aforementioned tax of twelve hundred pounds in this present year One thousand Seven hundred and twenty eight and Such of the Said Assessors as Shall not have received Warrants for making their Assessment thereof at the time limited in the aforesaid Act are hereby strictly charged and required to make Such Assessment within ten days after a warrant for that purpose shall be delivered unto them respectively And when the Several Collectors Shall have received the said Assessments they and each of them are hereby Strictly charged and required to gather and collect the moneys So assessed with all Convenient Speed so as that they respectively do and actually pay the mony to arise thereby into the Treasury on or before the aforementioned tenth day of December next ensuing and Such of the Said Assessors or Collectors as Shall neglect refuse or delay to do & perform what in this and in the aforesaid Act is required to be done and performed by them

respectively and thereof be lawfully convicted in any Court of Record within this Colony Shall Suffer Such paines and penalties by ffine or Imprisonment as at the discretion of the Justices of the said Court Shall be adjudged.

AND WHEREAS it appears that many of the Collectors in the Several Citys and Counties within this Colony have hitherto not paid into the Treasury all the money they have Collected or were to Collect of the two taxes due and payable in the years One thousand Seven hundred and twenty Six and one thousand Seven hundred and twenty Seven by virtue of the aforesaid Act And to the end Such Arrears may be recover'd and the like remisness prevented in the Tax which is to be Collected in this present year One thousand seven hundred and twenty eight Be it ENACTED by the Authority aforesaid that all and every of the said Collectors who still have mony in their hands of the abovementioned two taxes laid and Levyed in the said Years One thousand seven hundred & twenty Six and One thousand Seven hundred and twenty Seven or either of them and likewise all the Several Collectors who are to gather and Collect the Twelve hundred pound tax in this present Year One thousand Seven hundred and twenty eight shall respectively pay the same into the Treasury on or before the said tenth day of December next ensuing and all and every of such of the said Collectors as Shall refuse neglect or delay to do the same shall forfeit unto his Majesty his heirs and Successors double the Sum which he or they respectively shall not Actually have paid unto the Treasurer of this Colony at or before the time above limited either of the Arrears aforesaid or of the mony to be collected in this present year by virtue of this Act which forfeitures Shall & may be recovered in any Court of Record within this Colony by bill plaint or Information wherein no Essoign protection or Wager Of Law nor more than one Impar lance shall be allowed: One Net half of which fforfeiture to be paid into the Treasury for Suport of this Government and the Remainder to the Attorney General or any other person or persons that shall and will sue FOR the Same to Effect for the Recovery of which forfeiture the Treasurer is hereby charged and required to order the Attorney Generall to Issue process against all and every Such of the said Collectors as Shall or do neglect or delay to pay into the Treasury on or before the said tenth day of December next ensuing the mony Collected or to be collected by them respectively in manner as aforesaid

BE it farther ENACTED by the Authority aforesaid that all the Several Assessors and Collectors in this Colony shall be subject and liable to all other the Rules directions and Restrictions and entituled to the same Rewards as are mentioned in & by the Act aforesaid and for all the Several Sums which the Said Collectors shall respectively pay unto the Treasurer by virtue hereof the said Treasurer is to give receipts gratis which are to be a good Discharge for so much as Shall be Specified therein pursuant to the herein before mentioned Act. BE it also ENACTED by the Authority aforesaid that all the beforementioned Arrears of the two taxes laid and levyed in the Said years One thousand Seven hundred and twenty Six and One thousand Seven hundred and twenty Seven and the twelve hundred pound tax which hereby is to be levyed and Collected in this present Year One thousand Seven hundred and twenty eight and likewise all the Surplus of the mony which now is or will come into the Treasury by virtue of the herein before mentioned Act untill the first day of September next ensuing Shall be employed for and towards Supporting his Majestys Government in and over this Colony from the Said first day of September next untill the first day of September which will be in the Year ONE thousand seven hundred & thirty three and to and for no other use or purpose whatever

AND to the end his Majestys Said Government may be honourably and amply Supported for the term of five years BE IT ENACTED by the Authority aforesaid that there shall be and hereby is given and granted unto his Majesty his Heirs and Successors for and towards Suporting his Government in and over this Colony and to and for no other use or purpose whatever the following dutys and Impositions on the goods hereunder mentioned which Shall be Imported or manufactured within this Colony from the first day of September in this present year One thousand Seven hundred & twenty eight untill the first day of September which will be in the year One thousand Seven hundred and thirty three that is to Say. For every Negro Slave (Male or Female) of ffour yeares and upwards imported directly from Africa the Quantity of five Ounces of Sevil pillar or Mexico plate or fforty Shillings in bills of Credit made Current in this Colony

FOR Every Negro Mulatto or Indian Slave (Male or ffemale) of four years of age and upwards imported from all other places by Land or water the Sum of four pounds in like money

FOR Every pipe of wine without Distinction or Exception or any other allowance than what is herein after explained Imported from places whence it may legally be Imported the Sum of two pounds five Shillings in like money and after that rate for a greater or lesser Quantity

FOR Every Gallon of Rum Brandy or other Distilled Liquors imported from all places from whence the same may be legally imported the Sum of two pence half penny in like money

FOR Every Gallon of Rum or other Spirits distilled wholly or in parte from Molasses within this Colony the Sum of two pence half penny in like money

FOR all European or East India Goods imported with proper Certificates from the British Islands in the West Indies the Sum of five pounds in like money for every hundred pounds value prime Cost and after that rate for a greater or lesser Quantity

FOR Every hundred weight of Cocoa imported (accounting one hundred and twelve pounds to the hundred) the Sum of four Shillings in like money and after that rate for a greater or lesser Quantity

AND for avoiding and clearing up disputes & Controversies touching the duty on Slaves BE it provided and ENACTED by the Authority aforesaid that all Such Negro or other Slaves as belong to the Navigation of any ship Sloop or other vessell and slaves belonging to the Neighbouring Colonies and going from one Colonie to another on the Service of their Owners Masters or Mistresses and Such as are under the age of four yeares shall be exempted from the duty hereby Imposed on Negroes and other Slaves any thing to the Contrary hereof Notwithstanding

AND be it further provided and Enacted by the Authority aforesaid that any Gentleman or Gentlewoman coming into this Colony may Import one Slave to Attend on their persons without paying duty for the same but if Such Gentleman or Gentlewoman shall at any time thereafter Sell or dispose of Such Slave he or she shall pay the full duty for the same as by this Act is directed and upon failure thereof within two days after Such Sale the said Owner or Owners Shall not only be Subject and liable to pay the said Duty but also forfeit the sum of ten pounds to be recovered and applied in the same manner as other forfeitures are herein directed to be recovered and applied

AND WHEREAS Some people have often pretended that Slaves brought in and Imported by them are designed to attend on their persons thereby to Skreen Such Slave under the Excep-

tion above mentioned, And to remove disputes of that kind for the future BE IT declared and ENACTED by the Authority aforesaid that if it shall and do appeare upon Oath made before the Treasurer that the Slave who Shall be pretended to be Skreened in maner as aforesaid has actually waited on the Gentleman or Gentlewoman Importing the same upwards of one yeare before the Importation thereof Such Slave Shall upon Such Oath made be Exempted from the duty imposed by this Act and upon failure of such proof no Such Exemption is to be allowed

AND WHEREAS doubts and debates may arise concerning the age of NEGROES or other Slaves hereafter to be Imported BE IT ENACTED by the Authority aforesaid that the Negroes or other Slaves about whom Such doubts or debates Shall happen to arise Shall be brought before any two of the Aldermen of the City of New York for their Inspection and that the Opinion or Judgment of such Aldermen thereupon Shall finally determine whether Such Slave or Slaves be under the age of four yeares or not

AND WHEREAS it may happen that of the Negroes or other Slaves which Shall be Imported into this Colony Some are So Sick that they are more likely to dye than to live BE IT ENACTED that all Such Slave or Slaves as shall depart this life within thirty days after Importation or landing Shall be exempted from the duty aforesaid provided proof be made upon Oath before the Treasurer of this Colony that Such Slave or Slaves dyed within the time above limited after the landing or Importation thereof and that they were Sick at the time when they were So landed.

AND be it also ENACTED by the Authority aforesaid that if the owners or Importers of Negroes or other Slaves upon paying the duty thereof Shall desire to have a receipt for the same the Treasurer of this Colony Shall accordingly give Such receipts gratis which receipt or receipts Shall always be allowed good proof that the dutys are paid for the Slave or Slaves therein mentioned & expressed.

AND be it further ENACTED by the Authority aforesaid THAT all wines imported into this Colony from the Comencement of this Act and during the continuance thereof shall be Subject and liable to pay the dutys herein before mentioned without any manner of Distinction whether the Same be Sound or prick'd and that no person or persons whatsoever under any

Colour or pretence whatsoever shall be excused or exempted from paying the Said duty Saving only his Excellency the Governor for the time being of wines for his or their own use.

AND for avoiding other disputes about wines Be it declared and ENACTED by the Authority aforesaid that in case wines are filled up either on board or ashore the full duties shall be paid for the same but if unfilled there shall be an Allowance or deduction made of ten per Cent on the whole parcell which each Merchant or other person Shall Import from time to time during the continuance of this Act provided NEVERTHELESS that if of Such parcells of wines as aforesaid it shall appeare upon Oath made before the Treasurer by the Master & his Mate or the Master and one of the Marriners of the Vessell Importing the same that one or more pipes or Cask of the said parcell are Staved or wholly leaked out no duty Shall be demanded for Such pipes or other Cask as Shall upon such proof as aforesaid appear to be empty or wholly leaked out and if of Such person or persons as have only one or two pipes or other Cask on board of any particular Vessells the same Should happen to be leaked out one half part or more duty Shall be paid for So much only as Shall remaine Therein PROVIDED the Sworn Gauger doe first certify under his hand to the Treasurer the real and neat Contents thereof for which Certificate the said Gauger is to demand or receive from the Importers the sum of twelve pence and no more

AND be it further Enacted by the Authority aforesaid that the duty hereby laid and Imposed upon Rum brandy or other distilled Liquors to be Imported into this City within the time by this Act Limited shall be regulated and Calculated from the Accounts which the said Sworn Gauger shall render thereof to the Treasurer and the Said Gauger is hereby obliged and directed to deliver such Accounts together with the names of the Vessell and the Master and the person Entring Such Rum and Spirits to the Treasurer within four days after he shall have gauged each and every parcell of Such Liquors as aforesaid and in Such gauging he is to do Justice betwixt the King and Importers according to the best of his Skill and understanding

AND WHEREAS Master of Vessells often have Some remaines of wine or distilled Liquors left of their Sea Store when they Arrive in this port and it being unreasonable the same Should be Subject to pay duty if the Quantity is but Small BE it therefore ENACTED by the authority aforesaid that if Such Sea

Stores of Masters of Vessells as aforesaid does not exceed the Quantity of ten Gallons of wine and ten Gallons of Rum or other distilled Liquors the Same shall be allowed Duty free; But of what Such Stores exceed the Said Quantity's SHALL be Subject to the full duty Imposed by this Act

AND Be it further Enacted by the Authority aforesaid that the dutys of Rum and other Spirits to be distilled wholly or in parte from Molasses within this Colony during the Continuance of this Act Shall be paid and Secured in the manner herein after directed

AND be it further Enacted by the same Authority that all European or East India Goods to be imported into this Colony during the Continuance of this Act from the British Islands in the West Indies the Importer or Importers thereof or the person or persons entring the same Shall in Such Entry Set down and mention the real prime Cost of Such goods and make Oath that Such value is According to the Invoice or Invoices Sent to him her or them or brought by him her or them from the said Island or Islands from whence Such goods did come and that they believe Such Invoice or Invoices are real & true and if any difference Should arise touching and concerning the value of Such Goods the Treasurer and Searcher of the Colony duty's are to nominate and Appoint two credible Merchants to appraise the same to the best of their Judgment and According to Such Appraisement the duty hereby Imposed is to be calculated and Such Appraisement is to be made at the charge of the person who shall enter Such goods

AND be it further ENACTED by the Authority aforesaid THAT all Cocoa which shall be imported within this Colony during the Continuance of this Act Shall upon the landing thereof be brought directly to the weigh house in the City of New York and that the duty Imposed thereon by this Act shall be regulated by Such weight the tare of the Cask Sharoons or bags wherein the same is contained being first deducted for weighing of which the Importers or persons entring the same respectively are to pay after the rate of one penny for every hundred pounds weight reckoning One hundred and twelve pounds to the hundred as aforesaid and if any Cocoa Should be housed or Stored by the Owner or Importer thereof before it be carryed to the said weigh house as aforesaid (unless by Leave of the Searcher or Tide waiter in rainy weather or for want of Carts) the same Shall (if entred with the Treasurer) be

Secured by the said Officers and Sent to the said weigh house at the Cost and Charges of the Owner or Importer and if not entred with the said Treasurer then the same Shall be deemed and esteemed as goods and Commodity's landed without or before report is made and Subject to the same Seizure and forfeiture and to be recovered and Applyed as aforesaid

AND for the due orderly and effectual Securing and collecting the rates and duties by this Act Imposed on Slaves wine Rum and other distill'd Liquors dry goods from the said Islands and Cocoa and for preventing frauds & Imbezilments therein be it ENACTED by the Authority aforesaid that the MASTER Mate or purser of every Ship or other vessell which shall come into any port Harbour or Creek within this Colony to trade or traffick Shall repair to the Collector or Deputy Collector of his Majestys Customs in this Colony and make report of all and every Such parcell or parcells of goods wares and merchandizes laden and being on board Such Ship or Vessell whereof he is Master Mate or Purser and declare upon Oath that he hath not broke Bulk Since his Arrival within this Colony and before he make Such report as aforesaid and every Merchant ffactor or ffreightor having any goods wares or merchandizes on board such Ship or other vessell as aforesaid shall make true and distinct Entries thereof to the Said Collector or Deputy Collector According to Law

BE IT FURTHER ENACTED by the same Authority that the Master Mate or purser of every Ship or other Vessell which Shall during the Continuance of this Act come into any harbour por or Creek within this Colony to trade or traffick and having on board all or any of the Commodities hereby made dutyable that is to say Slaves wine Rum or other distilled Liquors Cocoa or dry goods from the aforesaid Islands Shall likewise repair and come to the Treasurer of this Colony within fforty eight hours after his Arrival and make to him a full and true Report of all and every parcell or parcells of the said dutyable Commodity's laden and being on board Such Ship or other Vessell whereof he is Master Mate or Purser delivering at the same time unto the said Treasurer an EXACT manifest thereof under his hand mentioning therein the Quantity the name or names of the person or persons to whom Such dutyable Commodities belong or are consigned and to take the following Oath (to witt) I.....
of the.....called the.....
 doe Swear that the Manifest now delivered to the Treasurer is

true and no more or other Slaves wine Rum or other distilled Liquors Cocoa or dry goods from the British Islands were on board the said Vessell at the time of her Arrival within the Limits of the Colony of New York than those mentioned in the Said Manifest and that I have not directly or indirectly by mySelf or by any other person or persons landed or put ashore or permitted or Conived at the putting out of the Said Vessell any of the Sorts of goods or merchandize above mentioned with design Intent or expectation to land the same Since the Arrival of the said Vessell within the said Colony. In which first blank is to be put the name of the person that is to take the said Oath as also whether he be Master Mate or purser. In the Second blank the nature of the vessell whether ship Scow Brigantine Sloop or other vessell and in the third the name of Such Vessell and to add thereto the place She last came from

AND be it further ENACTED by the Authority aforesaid that if the Master Mate or purser of any Ship or other vessell whatsoever coming into this Colony to trade or traffick during the time in this Act Limited or any Merchant ffactor or others Shall break bulk or land any of the aforesaid dutyable Comodity's BEFORE he or they make report and Entry thereof as aforesaid and pay or Secure to be paid to the said Treasurer the duty by this Act Imposed all the said Goods and Comoditys So landed or taken from on board without or before Report and Entry is made in manner aforesaid (except Slaves Attending on their Masters or Mistresses as is herein before excepted) Shall be forfeited One third whereof to his Majesty his Heires and Successors to be Employed for Support of his Government in this Colony one other third parte to the Governour for the time being and the other third part to the person who Shall Sue for and prosecute the same to effect by bill plaint or Information in any Court within this Colony

AND be it further ENACTED by the Authority aforesaid that every Master or Commander of any ship or other vessel Coming to trade or traffick in this Colony who shall land or put ashore in any manner whatsoever within the Limits or Jurisdiction of the said Colony any Slaves (except as before excepted) wine Rum or other distilled Liquors dry goods as aforesaid or Cocoa before Such report is made and Such Oath is taken before the Treasurer as herein is directed every Such Master so Offending Shall forfeit the Sum of One hundred pounds current mony of this Colony to be applyed divided and recovered as in the foregoing clause of

this Act is directed provided Such Suit be brought or Comenced within Six months after Such fact is comitted and not any time thereafter

BE it also ENACTED by the same Authority that after such REPORT and Entry is made by the Master Mate or purser of any Ship or other vessell coming to trade in this Colony as aforesaid every Merchant factor or other persons having any or all the beforementioned dutyable goods or Commoditys on board Such Ship or vessell or some other person in their behalf Shall make particular Entry of Such goods and Commoditys to the Treasurer for the time being and at the same time pay the dutys thereof as by this Act is Imposed unto the Said Treasurer for the use of his Majesty to and for the support of his Government in this Colony or if Such duty Shall amount to the Sum of ten pounds or upwards he She or they So entring as aforesaid Shall well and Sufficiently Secure the same to be paid within the space of three months from the day of the entry thereof and thereupon the Said Treasurer Shall give unto the persons soe paying or securing the Said duty a Certificate gratis directed to the Searcher of the Colony duties that the said duty's are paid or Secured to be paid according to this Act whereupon all Such of the aforesaid dutyable goods and Commoditys whereof the dutys are So as aforesaid paid or Secured to be paid Shall be permitted to be landed and housed without any manner of hindrance or Obstruction but if any person or persons shall refuse omit or delay to pay or Secure to be paid the said dutys in maner aforesaid it Shall then be lawfull for the said Searcher to take and detain Such of the aforesaid goods or Commoditys of which the duty is not paid or Secured to be paid in the manner before mentioned or Such part thereof as he shall judge Sufficient to ANSWER the duty's thereof for the space of three months or untill the said duties Shall be paid and satisfyed and if the said duties are not paid within the Said three months the Said Searcher Shall and may at the expiration thereof by publick sale dispose of the goods and Commodities So detained as aforesaid deducting out of the produce thereof the said duties charges of Sale and all other petty charges returning the overplus (if any be) to the Owner which duties being So Stopt and deducted as aforesaid Shall forthwith be paid to the Treasurer by the Said Searcher upon his making Such sale as aforesaid, AND if neither Such goods Shall be detained for Securing the duty in manner as aforesaid nor the persons entring the same pay the

dutys thereof within three months after the date of their Entry BE IT ENACTED by the Authority aforesaid that the said Treasurer Shall then and in Such case be and hereby is fully Empowered directed and required to cause process to be made for the duties which Shall be owing or indebted longer than the aforesaid three Months to be computed from the date of the Entries against all and every person or persons who shall so owe or be indebted for any of the duties imposed by this Act or any part thereof longer than the three months hereby limited for paying the same And the Said Treasurer is hereby further Impowered directed and required to cause the like process as aforesaid to be made against all Such person or persons who shall owe or Stand Indebted for any duties or ARREARAGES of duties arisen or to arise by virtue of the herein before mentioned Act untill the first day of September next ensueing as shall and do not Actually pay the same into the Treasury within Six weeks next and after the said first day of September in this present year One thousand Seven hundred and twenty Eight

AND to the end due inspection may be had in the City of New York of all the goods to be imported therein on which the aforesaid duties are imposed by this Act BE IT ENACTED by the same Authority that during the continuance of the said Act all Masters of Vessells having such dutiable goods on board shall after report made to the Treasurer as aforesaid or before they land Such goods acquaint the Searcher or land and Tide waiter of the Colony duty at which of the free Keys wharfs or Landing places in the said City they intend to put ashore Such dutiable goods or comodities and if Such master Shall afterwards presume to land the same or any of them at any other place (unless by permission or leave from the said Officers) he or they so offending shall forfeit (tho' the goods were duely entered) the sum of five pounds to be recovered before any two or more Aldermen of the Said City who are hereby impowered and required to hear and determine the Same One half of which forfeiture to be paid to the Treasurer for the Support of this Government and the other half to the Officer or other person that shall SUE for and recover the same. PROVIDED however that Slaves may be landed at any other place if duty be paid or Secured to be paid for the same in the manner herein before directed

AND WHEREAS Several persons have often contrived to have bills of Loading filled up abroad for some or all the Sorts of goods and Comodities hereby made dutiable and imported

them into this Colony as if the same did belong or were consigned to Some persons in the Neighbouring Colonies and Sometimes have had Such bills of loading Soe filled up and Signed even after the vessell or vessells importing the Same have been Actually Arrived in Some Port Harbour or Creek within this Colony thereby to elude payment of the aforesaid Duties to the manifest prejudice of the Revenue hereby granted to his Majesty for Supporting his government in this Colony and to the great Discouragement of the fair traders for prevention whereof be it Enacted by the Authority aforesaid that during the Continuance of this Act all and every the Comoditys thereby made dutiable which Shall be on board any Ship or Ships vessell or vessels Coming to trade or traffick in this Colony Shall be Subject and liable to pay the Several and respective duties imposed by this Act without any maner of favour or Distinction whatever excepting only Such wines for the Governour and Such Negroes as are herein before excepted

AND for Securing the duty hereby Imposed on Rum or OTHER Spirits distilled wholly or in parte from Molasses within this Colony BE IT ENACTED by the Authority aforesaid that all and every Distiller now Inhabiting within this Colony shall on or before the fourteenth day of September in this present year One thousand Seven hundred and twenty eight repair to the Treasurer of this Colony and then and there enter into Recognizance to our Sovereign Lord the King his Heires and successors with Sufficient Security in the sum of Fifty pounds current mony of this Colony Conditioned that he shall well and truly pay or cause to be paid to the Treasurer for the time being the Sum of two pence half penny in mony aforesaid for every Gallon of Rum or other Spirits which he shall distill or cause to be distilled wholly or in parte from Molasses from and after the said first day of September next ensuing and during the Continuance of this Act and that he shall and will duely pay the same at the end of every three Months thereafter and upon his or their entring into Such Recognizance the said Treasurer is to give a Certificate thereof to the person or persons who Shall enter into Such Recognizance which Certificate Shall be unto him or her or them a Sufficient Lycense to continue the Art or Occupation of Distilling

AND be it Farther ENACTED by the same Authority that all such of the present Distillers as do not on or before the time above limited and all others Setting up that trade or Occupation

afterwards and do not within ten DAYS before he or they distill any Spirits wholly or in part from Molasses Enter into Such Recognizance as aforesaid Shall forfeit unto his Majesty his Heirs and Successors the Sum of fifty pounds lawfull mony of this Colony to be recovered and applyed in manner and form as other Forfeitures are hereby directed to be Recovered and Applyed

AND be it further ENACTED by the Same Authority that all persons whatsoever who after the Commencement of this Act and during the Continuance thereof shall erect a Still house or practice the art or Occupation of a Distiller shall first repair unto the said Treasurer and then and there enter into the like Recognizance as aforesaid Whereupon the Said Treasurer is to give him a Certificate thereof which shall be unto him a Sufficient Lychense to Set up and practice the said Art or Occupation of a Distiller

AND be it further ENACTED by the Authority aforesaid that all and every the present Distillers Shall on every three Months after the first day of September in this present Year One thousand Seven hundred and twenty eight and all others Setting up that trade afterwards at the end of Every three Months after the date of their Recognizance and during the Continuance of this Act (if they Shall follow that Art or Occupation So long) deliver unto the Said Treasurer a true Account of the full quantity of Rum or other Spirits by them distilled wholly or in parte from Molasses from the RESPECTIVE times abovementioned which Accounts each of them is to declare upon Oath does contain the full quantity by them distilled as aforesaid and Soe in like mannner every Account to be delivered by them at the end of every three Months they are respectively to declare upon Oath doth contain the full Quantity of Rum or Spirits by them distilled wholly or in part from Molasses Since the date of their last Account all which Accounts are to be lodged with the Said Treasurer.

AND BE IT FURTHER ENACTED by the Same Authority that Each and every of the said Distillers at each and every of the times they are hereby directed to deliver Accounts upon Oath to the Treasurer shall pay unto him the full duty Imposed by this Act on Such Rum or other Spirits as aforesaid who thereupon is to give them a Receipt for the same which receipt shall be a Sufficient discharge unto them respectively for So much as Shall therein be mentioned to have been received

AND be it further ENACTED by the Authority aforesaid that

Such of the said Distillers as Shall deliver in upon Oath a Short or false Account whereby the publick shall be defrauded of the duties to arise by this Act on Rum or other Spirits to be distilled as aforesaid and being thereof Convicted in any Court of Record within this Colony Shall forfeit the Sum of fifty pounds to be recovered applyed and divided as aforesaid

AND WHEREAS Trade and Navigation ought to meet with no more delays and difficultys than what are absolutely necessary as well for the dispatch thereof as for Securing the Several duties Imposed by this Act BE IT ENACTED by the same Authority that the Treasurer of this Colony for the time being Shall and hereby is fully empowered Authorized and required to adminster all or any of the Oaths by this Act directed to be taken by Masters Mates or pursers of Vessells Importers of dutiable goods and Distillers of Rum or other Spirits as aforesaid for adminstring of which Oaths no ffee or Reward is to be taken

AND WHEREAS a Deputy Collector of his Majestys Customs is Appointed in the County of Suffolk by which means the Inhabitants of the Said County have the Opportunity to carry on Some trade and Navigation within the District of the said Collection And to the end the duties hereby Imposed on the Severall goods and merchandizes herein before mentioned may be Secured of Such of them as Shall from time to time be Imported within the Said District during the Continuance of this Act the Generall Assembly pray it may be Enacted And be it ENACTED by the Authority aforesaid that a fit able and discret person residing in the Town of Southhold in the Said County be by his Excellency the Governour by Commission or Warrant under his hand and Seal nominated and appointed in the said County of Suffolk to MANAGE Secure and receive the Several Dutys imposed by this Act of the goods and Merchandizes Subject thereto which shall be Imported there during the Continuance of this Act. And the person to be so appointed and Commissionated Shall before he enter upon the Execution of his Office enter into recognizance to our Sovereign Lord the King with two Sufficient Sureties in the Sum of One hundred pounds for the true and faithfull discharge of the trust reposed in him and he shall likewise before he enter upon the Execution of the said Office (beside the Oaths Test and Subscription appointed by Law) take the following Oath (towit I A B. will truly and faithfully According to the best of my Skill

Judgment and understanding during the Continuance of my Office Collect gather and receive and secure to be paid all and every Sum and Sums of money that Shall become due and payable in the County of Suffolk by virtue of this Act upon the Importation of the Several goods and Commodities thereby made dutiable I will keep true and exact Books of all monys to be received by me and of the Notes and bonds to be taken and will once every Six months transmit copys of the same to the Treasurer of this Colony for the time being and at the same time pay unto him all and every Sum and Sums of money which Shall be received by me for the duties aforesaid. So help me God

And be it farther ENACTED by the Authority aforesaid that when Such person in the County of Suffolk Shall be so Commissionated and qualified & HATH given Such Security as aforesaid he shall then be and hereby is fully Authorized Impowered directed and required to Collect gather and receive all and every the Sum and Sums of money which Shall become due and payable by virtue of this Act and during the Continuance thereof on the goods thereby made dutiable which Shall be Imported landed or put on Shore within the district aforesaid and all Such Sum and Sums of money So to be received by him he is to pay unto the Treasurer of this Colony for the time being whose receipt Shall be unto him a Sufficient discharge in Law for So much as Shall therein be mentioned to be received

AND be it further ENACTED by the Authority aforesaid that in all matters touching and relating the said Duties the said person so to be Commissionated as aforesaid Shall in every respect and to all Intents and purposes whatsoever have the Same power and Authority to do perform and execute all and Singular the powers duties and Functions in the said County So far as the Said Deputy Collectors District doth extend as in this Act is given to and required from the Treasurer of this Colony in as full and ample manner as if the same powers duties and functions were particularly and at large repeated in this Clause; and he is hereby required to act accordingly

AND for the more regular and effectual Collecting gathering and receiveing the duties to arise within the Said District on the GOODS and Commodities hereby made dutiable as aforesaid BE IT ENACTED by the Authority aforesaid that all Masters Mates or pursers of Vessels coming to trade and traffick there and all Merchants ffactors or others acting in their behalf or for themselves and all dutiable goods to be landed or put ashore within

the said District Shall be Subject to all the rules Regulations & Injunctions and liable to the same fines penalties and forfeitures as are herein before Enacted for the port of New York as well under the Management of the Treasurer of this Colony as under the Inspection of the Colony searcher as fully & amply to all Intents Constructions and purposes as if all the Clauses relating thereto were particularly and at large repeated in this Clause

AND WHEREAS there neither is or like to be a fixt Gauger in the Said County Be it ENACTED by the Authority aforesaid that the said person So to be Commissionated as aforesaid shall appoint an honest able person to gauge all such Rum or other distilled Liquors as Shall be Imported within the said District and that he first Administer unto him an Oath that he shall well and truly gauge all such Casks of Liquors So imported there and return to him an Account of the exact Contents thereof for which gaugeing the Importer or Owner of Such Liquors is to pay unto the Said Gauger the Sum of nine pence for each Cask

AND be it also ENACTED by the same Authority that all the FINES penalties and forfeitures which may happen to become due within the said District shall be recovered divided and applyed as herein before is directed

PROVIDED always and it is the true intent and meaning of this Act that all dutiable goods and Commodities which shall be carried from the port of New York and of which the aforesaid duties have been paid there shall not be liable to any of the Said duties in the County of Suffolk

AND be it also ENACTED by the Authority aforesaid that it Shall and may be lawfull for the person so to be Comissionated as aforesaid to retain in his hands the Sum of two shillings on every pound he shall receive by virtue of this Act and pay unto the Treasurer of this Colony in pursuance thereof as a Reward for the Services hereby directed to be performed by him

BE it further ENACTED by the Authority aforesaid that all the Several Sum and Sums of money which shall arise by means of the Tax and the Arrearages of Taxes and likewise for the duties herein before mentioned shall be paid unto Abraham De Peyster the present Treasurer of this Colony (or to the Treasurer thereof for the time being) who is hereby Authorized and empowered to receive the same And all receipts to be past by him Accordingly shall be good and effectual in Law to the person or persons paying Such Sum or Sums of money as aforesaid for So much as Shall therein be mentioned & exprest to be Received.

BE it Enacted by the Authority aforesaid that all and every the Sum and Sums of mony above mentioned and likewise all the Surplus of the mony which now is or hereafter will come into the Treasury by virtue of the aforementioned Act untill the first day of September in this present year One thousand Seven hundred and twenty eight and all other moneys to arise by virtue of this Act Shall be paid and Issued by the Said Treasurer for the use herein before mentioned to Such person and persons and in Such manner as he Shall from time to time be directed by Warrant and Warrants to be past in Council under the hand and seal of his Excellency the Governour of this Colony which Warrants being indorsed by the persons to whom they are made payable Shall be a good and sufficient Discharge in Law to the said Treasurer for So much as Shall be expressed therein AND to the end the Treasurer may at all times know what warrants are soe drawn as aforesaid the Clerk or Deputy Clerk of the Councill is hereby directed and required immediately after the draught thereof to Signify under his hand to the said Treasurer the name and Names of the person and persons to whom the same are made payable together with the Sum and Number thereof which said warrants are by the Said Treasurer to be paid in Course according to their Number.

AND be it further ENACTED by the Authority aforesaid that of all and every the Several Sums of money which the Said Treasurer shall receive and pay by virtue of this Act he Shall keep exact and distinct books of Accounts AND that he shall render Accounts thereof upon Oath to the Governour for the time being the Councill and the General Assembly when by them or either of them thereunto required

BE it also ENACTED by the Authority aforesaid that in Consideration of the constant Attendance and trouble of the said Treasurer in taking Reports of Masters Entries from Merchants Administring Oaths and giving Certificates and receipts gratis in the manner herein directed it shall and may be lawfull to and for the Said Treasurer to retaine in his own hands out of all the moneys which he Shall receive by means of the Several Duties Imposed by this Act four pounds for every hundred pounds he Shall So receive for the Said Duties and after that rate for a greater or Lesser Sum And that it Shall also be lawfull to and for the Said Treasurer to retain in his hands of all the moneys he Shall pay by virtue of this Act two pounds and ten Shillings for every hundred pounds and after that rate for a greater or

lesser Sum as a reward for his Services therein and for keeping books and rendring Accounts in the manner herein before directed

AND WHEREAS the business of the Treasury requires a constant Attendance as well to dispatch the Affairs of Masters and Merchants as the Several Collectors within this Colony and forasmuch as it may So happen that either the Treasurer Should be Indisposed or out of Town upon extraordinary OCCASIONS whereby trade and Navigation might be delayed for prevention whereof Be it ENACTED by the Authority aforesaid that it Shall and may be lawfull to and for the Said Treasurer from time to time to Constitute a Deputy under him who thereupon Shall have the same powers and Authorities to transact the Affairs of the Treasury as are hereby given to the Treasurer himself ALWAYS PROVIDED that the Said Treasurer Shall be Answerable and Accountable for all and every Act to be done by virtue of Such Deputation in the Same manner as if Such Act was done by himself

AND WHEREAS in and by an Act Entituled An Act for paying and discharging Several debts due from this Colony to the persons therein named and for raising and putting into the hands of the Treasurer of this Colony Several Quantitys of Plate to be applied to the publick and necessary uses of this Colony and to make bills of Credit to the value of fforty One thousand five hundred and Seventeen Ounces and a half of plate for that purpose past in the fourth year of his late Majesty's reign there was given and granted unto his Majesty his heires and Successors to and for the payment of the Several debts therein mentioned and for Sinking the bills of Credit thereby made Current in this Colony for the term of Seventeen years the duty of one Ounce and a quarter of Sevil pillar or Mexico plate for every pipe of wine Imported into this Colony & in that proportion for a greater or lesser Quantity as also two grains AND a half of like plate for every Gallon of Rum Brandy or other Distilled Liquors imported into the Said Colony as in and by the Said Act relation being thereunto had may more at large Appeare

AND WHEREAS in the Said Act provision is only made for Securing those two Duties in the port of New York and it being reasonable that the same Should likewise be Secured in the County of Suffolk Since a Deputy Collector is Constituted there as aforesaid BE IT ENACTED by the Authority aforesaid that the person to be Nominated Appointed and Commissionated in

the said County of Suffolk to Collect gather and receive the Several duties to Arise by virtue of this Act shall have full power and Authority and hereby is required to Secure collect and receive all and every Sum and Sums of money which Shall become due and payable by means of the Said two Duties on the wine and Rum which Shall be Imported within the aforesaid District during the Continuance of this Act and that he Shall not only keep distinct Books and Accounts thereof but likewise pay the money to arise thereby and render Accounts of the Same every Six Months unto the Said Treasurer of this Colony or the Treasurer thereof for the time being and that it Shall and may be lawfull for HIM to retain for his own use two shillings on every pound which he Shall receive by means of the Said two duties and pay to the Said Treasurer as a Reward for his care and trouble therein and the Said Treasurer is to Employ the money So to be paid unto him for the Said two duties as in and by the aforesaid Act is directed and to and for no other use or purpose whatsoever

[CHAPTER 517.]

[Chapter 517, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 345. Continued by chapter 549.]

An Act for the better clearing regulating and further laying out publick high Roads in the County of West Chester.

[Passed, September 20, 1728.]

Altho' all or most of the Publick high ways are already laid out and Ascertained in the County of Westchester it may nevertheless be necessary to lay out Some other high roads in the Said County for the Conveniency of Carriage and Travellers AND WHEREAS the doing thereof in the manner directed in former Acts would Considerably augment the Annual County Charge by reason the Commissioners appointed in those Acts often live remote from the places where publick Roads require to be regulated or Still to be laid out And it being Conceived Such Service ought to be at the particular charge of the respective places where it shall be necessary to perform the same (as they are hereafter joined in this Act) and that the ffreeholders and Inhabitants of Such places are properest for that purpose because they will not be under a necessity of travelling farr and are moreover best acquainted with the Circumstances and nature of the lands through which publick Roads run or ought Still to be lay'd out

BE it therefore ENACTED by his Excellency the Governour the Councill and the Generall Assembly and it is hereby Enacted by the Authority of the same that of one Act of the General Assembly Entituled AN ACT for the better clearing and further laying out high ways passed in the Seventh year of his late Majestys reigne as likewise of one other Act ENTITULED an Act to Continue an Act of Generall Assembly Entituled an Act for the better clearing and further laying out highways passed in the ninth year of his said late Majestys reigne all that part and partes which in them or either of them relate to the County of Westchester Shall be and hereby are repealed and made null and void to all Intents Constructions and purposes whatsoever And that from and after the publication and during the Continuance of this Act the persons herein after named Shall be and hereby are appointed Commissioners to regulate the highways and to lay out Such other publick Roads as may still be necessary within the said County of Westchester and they and each of them are hereby fully authorized and Impowered to put in Execution the Several Services Intended by this Act in Such Towns Manors & places only for which they Shall be respectively named & appointed that is to Say

FOR the Township of West Chester Cap't Miles Oakley Israel Honeywell Esq'r & Mr William Legget

FOR the Township of East Chester Cap't Joseph Drake Mr John Ward and Mr Joseph ffowler

FOR New Rochell and Pellham Mr Anthony Lispinard Mr John pell Jun'r & Mr Oliver Besley Junr

FOR Mamaroneck & scarsdale Henry Fowler Esq'r Mr. Nehe-mias Palmer & Mr John Gidny.

FOR the Township of Rye & the White Plains Samuel Purdy & Caleb Hyat Esq'rs & Mr Benjamin Brown

FOR Bedford & North Castle Zacharias Mills Esq'r Mr Stephen Miller and Mr Francis Pellham

FOR the Mannor of Philipsburg Adolph Philipse Fredrick Philipse and Noah Barton Esq'rs

FOR the Mannor of Cortland & Ryck's Patent Philip Van Cortland Esq'r Mr Harck Lent & Mr Johanes Teller

AND be it further ENACTED by the Authority aforesaid that the Commissioners or the Major part of them in the respective places for which they are named AND Appointed Commissioners are hereby Impowered and Authorized to regulate the Roads already laid out and to lay out Such other publick Roads in the

Several places for which they are appointed Commissioners as to them or the Major part of them Shall Seem necessary & Convenient; And (if need be) to take a Review of the Roads already laid out and Such of them as appeare to be realy Inconvenient the Said Commissioners Shall and may alter the Same (provided all the Commissioners appointed for that place judge it absolutely necessary) and to lay out Such other publick ways and Roads as they or the Major part of them Shall think most convenient as well for Travellers as for the Inhabitants of the next adjacent towns Villages or Neighbourhoods

PROVIDED that Nothing in this Act Contained Shall extend or be construed to Impower the Comissioners aforesaid to alter any Road that is already Comodious or to lay the same through Enclosed or Improved Lands without either the Consent of the Owners thereof or paying to them the true Value of the Lands so laid into an High way, And if any Dispute Shall arise by that means the same Shall be determined and the true value set and appraised by two Justices of the peace and by the Oaths of twelve of the principle ffreeholders of the Neighbourhood not having any Interest in the Land about which Such dispute may arise the Said ffreeholders to be Summoned by the High Sherif by virtue of a Warrant to be Issued by the said two Justices for that purpose

AND be it further ENACTED by the same Authority that if any person or persons within the said County doe or hereafter Shall (without the Consent of the COMMISSIONERS or the Major part of them for the Town Mannor or places for which they are by this Act Appointed Commissioners) Alter Stop up or lessen any high Way or Road that has been heretofore laid out by former Commissioners or Shall hereafter be layd out by the Commissioners named in this Act Such person So Offending contrary to the meaning of this Act Shall for every Such Offence forfeit the Sum of Five pounds to be Recovered before any Justice of the peace upon the Oath of any one witness and levyed by Warrant from any Justice of the peace directed to the Constable of the Town Mannor or precinct where such Offence is Comitted by distraineing the goods and Chattles of the Offender And the Said Constable after Six days publick notice is given by him of the Said Distress Shall make Sale thereof and out of the produce pay the Said fforfeiture & Charges and return the Overplus if any be to the Owner or Owners which said forfeiture of five pounds shall be applyed by the Surveyors of the highways for

and towards repairing the publick Roads or bridges within the precinct where Such forfeiture shall Arise

AND BE it further ENACTED by the Authority aforesaid that if any Common Publick Road or highway Shall lead through any meadow grounds or Cornfields the breadth of the said Road Shall be left to the discretion of the Comissioners or the Major part of them, for the towns Mannors or places where Such Roads Shall run as aforesaid.

AND be it farther Enacted by the Said Authority that the Inhabitants of the respective Towns Mannors or precincts by and through which any Common publick highways OR Roads have or Shall run or be hereafter ascertained or lay'd out Shall be and hereby are oblidge to clear and maintain the Same by Cutting and Stubbing up the brush and lopping of the limbs of the trees that hang over the Said Roads the breadth of two Rodes and pulling up the Stones that can be moved and to carry them out of the Road at least the breadth of one Rodd and So often as they or any of them Shall have notice from any one of the respective Commissioners Surveyors or Overseers of the highways for the time being they shall in their turns either by themselves or by able Slaves or Servants clear level and Amend the highways not exceeding Six days in the year under the penalty of three Shillings for each day every person or persons shall neglect or refuse Such Service to be levyed by the Constable in each town Mannor or precinct by distress and Sale of the Offenders goods and Chattles by Warrant from the Surveyor or Overseer of the highways for the time being in each respective Town Mannor or precinct where Such Offence Shall be Committed returning the Overplus of Such Sale (if any be) to the Owner or Owners the Constable being first paid for his pains and trouble out of the distress and Sale as is usual in other Cases

PROVIDED always and it is hereby further ENACTED by the Authority aforesaid that all trees Standing or lying in any persons land through which any Common publick highway or Road is or Shall be laid out be for the proper use of the Owner or Owners of the same but the Said Owners Shall not hinder the publick from making use of Soe much Timber which is Standing or lying on that Road as will AMEND the said Highway or bridges running through that Land

AND be it also ENACTED by the same Authority that where any highway from any Town or Neighbourhood to any Mills Meadows Watering or Common Landing places Shall run through

any particular persons grounds it Shall and may be lawful for any Such person or persons by and with the Approbation of any two Commissioners for Such town Mannor or places to hang good Swinging gates on Such highways and keep them in repaire at their own Costs. PROVIDED no Road leading into or out of any woods plains or Commons where the Cattle belonging to any Town or Village usually pass through to and from the Commons or feeding grounds be clogged or hindred by any Swinging Gates as aforesaid unless by the consent of the Major part of the Inhabitants of Such Town or Village and the Several Gates already standing and allowed may or shall be Approved and Continued or altered as the Commissioners herein respectively appointed Shall judge most Convenient and the Same highways Shall be amended and maintained by the Inhabitants only of every Town Mannor or precinct, where such ways may run

AND be it farther ENACTED by the same Authority that in Case any person or persons Shall Stake or Shore open any Such gate or gates as aforesaid or otherwise ride over or through any lands meadow Grounds or Cornfields to the damage of the Owners thereof Such person or persons Shall for every Such Offence forfeit the Sum of Six shillings to be recovered and applyed by the Surveyors of the highways in each respective town Mannor or precinct where Such Offence Shall be comitted towards repairing the publick Highways or ROADS and pay all Such damages with the Costs the Owner of the Soil or Tenant Shall Suffer or Sustaine thereby as shall be Ordered and Awarded by a Justice of the peace residing nearest to the place where Such Offence Shall be Committed and the Determination of Such Justice Shall be final and Conclusive therein

AND be it further ENACTED by the Authority aforesaid that if the Overseers of the highways and Roads shall think fit and have Occasion of any Team Cart or Waggon and a Man to Manage the Same the said Team Cart or Waggon shall be Esteemed to be for in lieu & instead of three days work of One Man and the fine to be proportionable that is treble to the fine to be Imposed for the Neglect of one person, And every working Man Shall be Oblidged to bring Such Tools as Spades, Axes, Crows pickaxes or other Utensills as Shall be directed by the Overseers of the Highways

AND be it further ENACTED by the said Authority that if any of the Commissioners herein appointed Shall neglect refuse or delay to put the Several Clauses in Execution which are mentioned and expressed as their duty in this Act if thereunto

required or Shall happen to dye or remove out of the Town Mannor or places for which he or they are appointed Comissioners it Shall and may then be Lawfull for the Justices of the peace in the Sessions held for the said County to Appoint in his or their Stead another Comissioner or Comissioners in Such place or places where Such refusall Neglect death or removall Shall So happen and the Comissioner or Comissioners So appointed Shall be under the same Restrictions and HAVE the same powers and Authorities as those named and appointed by this Act

AND be it further ENACTED by the Authority aforesaid that the Comissioners of each respective Town Mannor place or places for which they are respectively appointed Shall from time to time during the Continuance of this Act enter in writing all the High Ways or Roads by them laid out Altered or Stopt up and Sign the same by putting their names thereto and cause the same to be entred in the County Records by the Clerk of the peace who is hereby directed and required to record the Same and whatsoever the Said Comissioners Shall do according to the powers given them in this Act being So entered in the County Record shall be deemed valid and good to all Intents and purposes whatsoever.

AND be it further ENACTED by the Same Authority that each Comissioner Appointed or to be appointed by virtue of this Act shall have take and receive a Sum not exceeding four shillings each day as a Reward for his or their care and trouble in laying out and regulating the highways in the respective Towns Mannors and places for which they are Severally appointed which Said Reward or wages Shall not be any parte of the County Charge but Shall be defrayed by each Town Mannor place or places as they are joined in this Act by the Same ways and in the same Manner as the wages are or ought to be paid to Supervizors in the said County by virtue of an Act Entituled An Act to Encrease the Number of Supervizors in the County of West Chester and that no wages of SUPERVIZORS Shall be any parte of the Said County rate for the future passed in the ninth Year of his late Majesties Reigne.

AND be it further ENACTED by the Authority aforesaid that upon the Ordering of any one or more of the Justices of the peace or any one or more of the Comissioners within the Town Mannor or places for which he or they are appointed as aforesaid the Surveyor of the Town Mannor or precinct Shall and do within eight days thereafter warn and set at work the respective Inhabi-

tants to mend and repair the Kings Roads and Bridges which by Law and Custom they are Oblidged to repaire, And if the Surveyor Shall neglect or refuse to warn and set at work the Inhabitants as aforesaid and See the said Roads Bridges and highways Amended and repaired Such Surveyor or Surveyors Shall for every Such neglect or Refusall forfeit and pay a fine of fourty Shillings to be adjudged by and recovered before any one Justice of the peace of the Said County upon the Oath of any one Witness or on the view of Such Justice or on the view of any one of the Comissioners within his or their District in the Common and usual method; which fine Shall be applyed towards repairing the said high ways or Roads in Such Towns Mannors or precinct wherein the fine did Arise

PROVIDED always and it is hereby further ENACTED by the Authority aforesaid that where the Inhabitants of a Small Neighbourhood OF plantations Should desire to have publick Roads lay'd out the Comissioners aforesaid Shall not be allowed to lay out Such and So many Roads as the said Inhabitants Should be desirous to have but only one publick way leading from Such Neighbourhood to the nearest publick or high Road from whence they can Travel or transport goods to other Towns or landing places. And where it shall be necessary to lay out a Road from one District as they are in this Act Joined to another District the Comissioners of both Towns Mannors or places are to meet and Consult where Such Road can be laid in the best and Streightest manner and to lay out the Same accordingly to the end Such Roads may not only Correspond with each other but be lay'd out and carry'd on in the most Convenient and shortest Manner the Nature of the Land will allow. This Act to be in force fom the time of its publication untill the Year One Thousand Seven hundred and thirty and no longer.

[CHAPTER 518.]

[Chapter 518, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act to Empower and direct the Treasurer of this Colony for the time being to deliver up a certain bond entred into by Gilbert Livingston for his Contract upon the Farm of the Excise in this Colony.

[Passed, September 20, 1728.]

WHEREAS by an Act of General Assembly of this province passed in the year Seventeen hundred and twenty two Entituled

An Act to Enable Trustees therein named to take Sell and dispose of certain Lotts of Land the Estate of Gilbert Livingston in the City of New York for the payment of a certain bond given and debt due to his Majesty on the Said Gilbert Livingston his Contract for farming the Excise of this Province It was Enacted that if by the sale of said Lotts in manner and forme in Said Act more at large expressed the Trustees therein named Should be able to raise and pay to the Treasurer of this province for the time being for and to the purpose therein Specified as by the Said Act (relation thereunto being had) may more at large appear the Sum of Eight hundred pounds within eighteen months after publication of Said Act that then the Said Gilbert Livingston and his Sureties their Heirs Executors and Administrators of and from his and their bond to his Majestie for his the Said Gilbert Livingston and their performance of THE Saic Livingstons Contract for the Excise between the Years Seventeen hundred and Eighteen and Seventeen hundred and nineteen Shall become and be fully acquitted and discharged in like manner and as amply and fully as if the Sum of Eleven hundred pounds had been fully Satisfyed and paid whereof the Said Treasurer is by said Act also required to take Notice PROVIDED always as is in Said Act further Expressed that unless the Said Act Should receive his Majestys Royall Approbation and be returned and Signified to his Excellency the Governour here within Eighteen months from and after the Publication thereof Said Livingston not to receive any advantage thereby as is therein more fully declared Whereupon it appearing that Said Act did not receive the Royall Approbation untill Some very Short time before the Expiration of Said Eighteen Months whereby it was rendred Impracticable for the Said Trustees to Sell and dispose of Said Estate or to raise the Sum of Eight hundred pounds within the time by Said Act Limited for payment thereof to the Treasurer Notwithstanding which the Said Act being in full force and Effect to the Sale of Said Estate at any time thereafter they the said Trustees did proceed therein and have paid unto the Treasurer of this Province at Several payments the full and compleat Sum OF Eight hundred pounds by said Act Intended to be paid.

WHEREFORE in Consideration of the said Livingston's Sufferings by Said Contract the delay of a more Speedy Return of Said Act with the Royall Approbation in no wise to be Imputed to Said Livingston or any his Omission or Neglect therein and

that the Said Eight hundred pound hath been Since that time by Said Trustees fully Satisfyed and paid as by the Said Treasurers Certificate thereof doth manifestly appear.

BE IT ENACTED by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same that the Said Gilbert Livingston and his Sureties his and their Heires Executors and Administrators be relieved in and discharged Acquitted and forever Released of the full Sum of three hundred pounds due on Said bond and that the Treasurer of this province for the time being within ten days or Sooner after the publication of this Act Deliver up the Said Bond (by him Said Livingston and his Sureties So as aforesaid Entred into) unto him the Said Livingston in order to be Cancelled and the Said bond is hereby declared void null and of no Effect to all Intents Constructions and purposes whatsoever AND the Said Treasurer is hereby directed and required to take Notice hereof Accordingly And the Said Gilbert Livingston's Receipt for the Said Bond Shall be unto the Said Treasurer a Sufficient Discharge in the Law for the same.

[CHAPTER 519.]

[Chapter 519, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 345. Revived by chapter 582.]

An Act for the better clearing regulating
and further laying out publick high Roads
in Dutchess County

[Passed, September 20, 1728.]

'ALTHO' Several of the publick highways are already laid out and ascertained in the County of Dutchess it is Nevertheless necessary to lay out some other high Roads in the Said County for the Conveniency of Carriage and travellers AND WHEREAS the doing thereof in the manner directed in former Acts would considerably Augment the Annual County Charge by reason the Comissioners Appointed in those Acts often live remote from the place where publick Roads require to be regulated or still to be lay'd out and it being conceived Such Service ought to be at the particular charge of the respective precinct ward or places where it Shall be necessary to perform the Same (as they are hereafter joined in this Act) And that the ffreeholders and Inhabitants of Such places are properest for that purpose because they will not be under a necessity of travelling farr and are

moreover best Acquainted with the Circumstances and nature of the Lands through which publick Roads run or ought still to be lay'd out

BE it therefore ENACTED by his Excellency the Governour the Councill and the General Assembly and it is hereby ENACTED by the Authority of the same that One Act of the General Assembly Entituled an Act for the BETTER Clearing and further laying out high ways passed in the Seventh Year of his late Majestys reigne as likewise of one other Act Entituled An Act to Continue an Act of General Assembly Entituled an Act for the better Clearing and further laying out high ways passed in the ninth year of his Said late Majesties reign; All that part and parts which in them or either of them relate to Dutchess County Shall be and hereby are repealed and made null and void to all Intents Constructions and purposes whatsoever and that from and after the publication and during the Continuance of this Act the persons hereinafter named shall be and hereby are Appointed Comissioners to regulate the high ways and to lay out Such other publick Roads as may still be necessary within the Said Dutchess County and they and each of them are hereby fully Authorized and Impowered to put in Execution the Several Services intended by this Act in Such wards and places only for which they shall be respectively named and appointed that is to say

FOR the Northward of Dutchess County Henry Beekman Esq'r Cap't Barent Van Benthuyzen and Mr. Henricus Heerman

FOR the middle ward Major Barent Van Cleek Mr. Peter Lassing and Damon Palmertier

FOR the Southward Cap't Frans Delange Mr. Johannes Forbes & Mr. John Montros and FOR the Neighbourhood of Wis-sayeck Called Dover Mr. Jacob Van Campen Dirick De Puytser and Arin Roosa

AND be it further ENACTED by the Authority aforesaid that the Commissioners or the Major part of them for the respective places for which they are named and Appointed Comissioners are hereby Impowered and Authorized to regulate the Roads already laid out and to lay out Such other publick Roads in the Several places for which they appointed Comissioners as to them or the Major part of them respectively Shall Seem necessary and Convenient; And (if need be) to take a Review of the Roads already laid out and Such of them as appear to be realy inconvenient the said Commissioners shall and may alter the same

and lay out Such other publick ways and Roads as they or the major part of them Shall think most Convenient as well for Travellers as for the Inhabitants of the next adjacent villages or Neighbourhoods

PROVIDED that nothing in this Act Contained Shall extend or be Construed to Impower the Comissioners aforesaid to alter any Road that is already comodious or to lay the same through inclosed or Improved Lands without either the Consent of the Owner or Owners thereof or paying to them the true value of the Lands so laid into an high way and if any dispute shall arise by that means the same Shall be determined and the true value set and appraised by two Justices of the peace and by the Oath of twelve of the principall ffreeholders of the Neighbourhood no' having any Interest in the lands about which Such dispute may arise; the Said ffreeholders to be Sumoned by the HIGH Sherif by virtue of a Warrant to be Issued by the said two Justices for that purpose

AND be it further ENACTED by the same Authority that if any person or persons within the said County do or hereafter Shall without the consent of the Comissioners or the Major part of them for the time being for the ward Neighbourhood or place for which they are by this Act Appointed Comissioners alter Stop up or lessen any high way or Road that has heretofore been laid out by former Comissioners or shall hereafter be laid out by the Comissioners named in this Act Such person So Offending Contrary to the true meaning of this Act Shall for every Such Offence forfeit the Sum of ffive pounds to be Recovered before any Justice of the peace upon the Oath of any one Witness and levied by Warrant from any Justice of the peace directed to the Constable of the ward Neighbourhood or place where Such Offence is comitted by distraining the goods and Chattles of the Offenders and the said Constable after Six days publick notice is given by him of the said Distress Shall make Sale thereof and out of the produce pay the Said fforfeiture and charges and return the Overplus (if any be) to the Owner or Owners which Said forfeiture of five pounds Shall be applyed by the Surveyors of the high ways for and towards repairing the publick roads or bridges within the ward or place where Such fforfeiture Shall arise

AND be it further ENACTED by the Authority aforesaid that if ANY common publick Road or high way Shall lead through any meadow grounds or Cornfield the breadth of the said Road

Shall be left to the discretion of the Comissioners or to the major part of them for the wards or places where Such Roads Shall run as aforesaid

AND be it farther ENACTED by the said Authority that the Inhabitants of the respective Wards or place by and through which any Comon publick high ways or Roads have or Shall run or be hereafter ascertained or laid out Shall be and hereby are oblidge to clear and maintain the same by cutting and Stubbing up the brush and lopping of the Limbs of the trees that hang over the said Roads the breadth of two Rods and pulling up the Stones that can be moved and to carry them out of the road at least the breadth of one rod and So often as they or any of them Shall have notice from any of the respective Comissioners Surveyors or Overseers of the highways for the time being either by themselves or by able Servants they shall clear levell and amend the high ways not exceeding Six days in the year under the penalty of three Shillings for each day every person or persons Shall neglect or refuse Such Service to be levyed by the Constable in each ward or place by distress and Sale of the Offenders goods and Chattles by warrant from the Surveyor or Overseer of Such highway for the time being in each respective Ward place or precinct where Such Offence Shall be Comitted returning the Overplus of Such Sales (if any be) to the Owner OR Owners the Constable being first paid for his pains and trouble out of the distress and Sale as is comon in other cases

PROVIDED always and it is hereby further ENACTED by the Authority aforesaid that all trees Standing or lying in any persons land through which any Common publick high way or Road is or Shall be laid out be for the proper use of the Owner or Owners but the said Owner or Owners shall not hinder the publick from taking of So much Timber which is Standing or lying on that Road as will amend the said high way or bridges runing through that Land

AND be it also ENACTED by the Same Authority that where any high way from any Town or Neighbourhood to any Mills Meadows watering or comon landing places Shall run through any particular persons grounds it Shall and may be lawfull for any Such person or persons by and with the approbation of any two Comissioners for Such town village or precinct to hang good Swinging gates on Such high ways and keep them in repair at their own costs PROVIDED no road leading into or out of any

woods plains or Commons where the Cattle belonging to any town or Village usually pass through to and from the Commons or feeding grounds be clogged or hindred by any Swinging gates as aforesaid unless by the consent of the Major part of the Inhabitants of Such town or Village And the Several gates already standing & allowed MAY or Shall be approved and Continued or altered as the Comissioners herein respectively appointed Shall judge most Convenient and the same high ways Shall be amended and maintained by the Inhabitants only of every town village or Neighbourhood where Such ways may run

AND be it farther ENACTED by the same Authority that in case any person or persons Shall Stake or Shore open any Such gate or gates as aforesaid or otherwise ride over or through any lands meadow grounds or Cornfields to the damage of the Owners thereof Such person or persons Shall for every Such Offence forfeit the Sum of Six Shillings to be recovered and applyed by the Surveyors of the high ways in each respective ward or neighbourhood where Such Offence Shall be comitted towards repairing the publick high ways or Roads and pay all Such damages with the costs the Owner of the Soil or tenant in possession shall Suffer or Sustain thereby as Shall be ordered and awarded by a Justice of the peace residing nearest to the place where Such Offence Shall be comitted and the Determination of Such Justice Shall be final and conclusivè therein

AND be it further ENACTED by the Authority aforesaid that if the Overseers or any of them of Such high ways or Roads as they or any of them Shall be respectively chosen Shall think fit and have Occasion of any Team Cart or Waggon and a Man to manage the Same the Same team Cart or waggon Shall be Esteemed to be for in lieu & instead of three days work of one Man AND the ffines to be proportionable that is treble to the fine to be Imposed for the neglect of one person and every working man Shall be oblided to bring Such tools as Spades Axes Crows pickaxes or other Utensills as Shall be directed by the Overseer or Overseers of each respective District or place for which he is chosen Overseer

AND be it further ENACTED by the said Authority that if any of the Comissioners herein appointed Shall neglect refuse or delay to put the Several Clauses in execution which are mentioned and exprest as their duty enjoyn'd them by this Act if thereunto required or Shall happen to dye or remove out of Such wards or place for which he or they are appointed Comissioners

it Shall and may then be lawful for the Justices of the peace in the Sessions held for the Said County to appoint in his or their Stead another Comissioner or Comissioners in Such place or places where Such refusal neglect death or removal Shall so happen and the Comissioners So appointed Shall be under the same Restrictions and have the same power & Authorities as those named and Appointed by this Act

AND be it further ENACTED by the Authority aforesaid that the Comissioners of each respective ward or place for which they are respectively Appointed Shall from time to time and at all times during the continuance of this Act enter in writing all the high ways or Roads by them laid out ALTERED or Stopt up and Sign the Same by putting their hands thereunto and cause the same to be entered in the County Records by the Clerk of the peace who is hereby directed and required to record the Same and whatsoever the said Comissioners Shall doe according to the powers given them in this Act being so entered in the County Record Shall be deemed valid and good to all intents and purposes whatsoever

AND be it farther ENACTED by the same Authority that each Comissioner appointed or to be appointed by vertue of this Act Shall have take and receive a Sum not exceeding four Shillings each day as a reward for his or their care and trouble in laying out and regulating the highways in the respective Wards or places for which they are Severally appointed which Said Reward or wages Shall not be any part of the County Charge but Shall be defrayed by each ward or place where Such Road or Roads Shall be by them layd out

AND be it further ENACTED by the Authority aforesaid that upon the Ordering of any one or more of the Justices of the peace or any one or more of the Comissioners within the ward or places for which he or they are appointed as aforesaid Surveyors of the ward or Neighbourhood Shall and do within eight days thereafter warn and set at work the respective Inhabitants to mend and repair the Kings Roads and bridges which by Law and custom THEY are oblided to repaire and if Such Surveyor Shall neglect or refuse to warn and Set at work the Inhabitants as aforesaid and See the said Roads bridges and highways amended and repaired Such Surveyor or Surveyors Shall for every Such neglect or refusal forfeit and pay a fine of ffourty Shillings to be adjudged by and recovered before any one Justice of the Peace of the said County upon the Oath of any one

Witness or on the view of Such Justice or on the View of any one of the Comissioners within his or their district in the comon and usual Method; which fine Shall be applyed towards repairing the Said high ways or Roads in Such ward or precinct wherein the fine did Arise

Provided always and it is hereby further Enacted by the Authority aforesaid that where the Inhabitants of a Small Neighbourhood or plantation Should desire to have publick Roads lay'd out the Comissioners aforesaid shall not be allowed to lay out Such and So many Roads as the said Inhabitants Should be desirous to have but only one publick way leading from Such Neighbourhood to the nearest publick high Road from whence they can Travell or transport goods and other product to Such Town Mills or landing places and where it Shall be necessary to lay out a Road from one Ward or district as they are in this Act joined to another District the Comissioners of both wards or precinct are to meet and consult where Such Road can be LAID in the best and Straightest manner and to lay out the Same Accordingly to the end Such Roads may not only Correspond with each other but be laid out and carryed on in the most convenient and shortest Manner the nature of the land will allow. This Act to be in fforce from the time of it's Publication untill the year One thousand Seven hundred and Thirty and no longer.

[CHAPTER 520.]

[Chapter 520, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Naturalizing Jan Dewit
Peteriz, Mary Reneau the wife of Andrew
Reneau, Ezekiel Barbauld and Jaques Gabriel
Buvelot

[Passed. September 20, 1728.]

WHEREAS Jan DeWitt Peteriz Mary Reneau the wife of Andrew Reneau Ezekiel Barbauld and Jaques Gabriel Buvelot have by their humble petitions presented to the General Assembly of the Colony of New York desired that they may be Naturalized and become his Majesty's liege Subjects within the Said Colony

BE IT ENACTED by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same that the Said Jan DeWitt Peteriz Mary Reneau the

wife of Andrew Reneau, Ezekiel Barbould and Jaques Gabriel Buvelot are hereby declared to be Naturalized to all Intents Constructions and purposes whatsoever and from henceforth and at all times hereafter Shall be Entitled to have and enjoy all the rights Libertys priviledges and Advantages which his Majestys Natural born Subjects in the Said Colony ought to have and enjoy as fully to all intents and purposes whatsoever as if the Said Jan DeWitt peteriz Mary Reneau Ezekiel Barbould and Jaques Gabriel Buvelot had been born within his Majesty's Colony of New York PROVIDED always and it is hereby Enacted that the said Jan DeWitt peteriz, Mary Reneau Ezekiel Barbould and Jaques Gabriel Buvelot Shall take the Oaths appointed by Law instead of the Oaths of Allegiance and Supremancy Subscribe the Test and make repeat Swear to and Subscribe the abjuration Oath in any of his Majestys Courts of Record within this Colony which the Said Courts are hereby required upon Application to them made to administer and take Subscriptions and cause the names of the persons So Swearing and Subscribing to be entred upon Record in the Said Court for which each and every of the Said persons are hereby required to pay the Several Sums hereunder mentioned that is to say to the Speaker of the General Assembly Ten Shillings to the Judge of the Court Six Shillings and to the Clerk three Shillings

AND be it further ENACTED by the Authority aforesaid that if the Said persons having So Sworn and Subscribed as aforesaid Shall and do demand a Certificate of his her or their being Entered upon Record in manner aforesaid the Said Courts are hereby directed and required to grant the same under the hand of the Judge and Seal of the Said Court in which the Said Jan DeWitt Peteriz Mary Reneau Ezekiel Barbould and Jaques Gabriel Buvelot or any of them Shall Soe SWEAR and Subscribe as aforesaid Countersigned by the Clerk of the Said Court for which Certificate each of them Shall pay over and above the Sums before mentioned Six Shillings one half to the Judge of the Said Court and the other half to the Clerk thereof which Said Certificate Shall at all times be a Sufficient proof of the Said Jan DeWitt Peteriz Mary Reneau Ezekiel Barbould and Jaques Gabriel Buvelot his her or their being Naturalized by this Act in as full and Effectual a manner as if the Record aforesaid was actually produced by the said Jan DeWitt peteriz Mary Reneau Ezekiel Barbould and Jaques Gabriel Buvelot or either of them PROVIDED Nevertheless that Such of the abovenamed persons

who Shall and do not take the Oaths Test and Abjuration in the Manner herein before directed within Six Months after the publication hereof Shall have no benefit by this Act any thing therein Contained to the Contrary notwithstanding.

[CHAPTER 521.]

[Chapter 521, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 338. Continued by chapter 544.]

An Act to amend the Practice of the Law and to regulate the giving of Special Bail.

[Passed, September 20, 1728.] ⁴

WHEREAS divers Laws have been passed in this Colony for the amendm't and better regulation of the Law and for the ease and quiet of his Majestys Subjects which nevertheless have not had that good Effect which was Intended by the Makers thereof.

THE Generall Assembly therefore humbly pray it may be Enacted and be it Enacted by his Excellency the Governour the Councill and the generall Assembly and it is hereby Enacted by the Authority of the Same that from and after the Publication of this Act no Person whatsoever by him or herself or by his or her Councill or Attorney Shall Commence any Suit or Action by Bill or Plaint or in any other manner whatsoever or Shall persue or prosecute any Bill Plaint Action or Suit whatsoever at Law where the matter in demand Suit or Controversy does not in real Value amount to more than the Sum of twenty pounds Lawfull money of this Colony in any Courts of Law within the said Colony, Except the Courts of the Mayors and Aldermen in the Citys of New York and Albany, the Burrough of Westchester and the Courts OF Common Pleas of the Severall Counties in this Colony. And when any Such Suit or Action is Comenced in any Such Courts as is aforesaid, That it Shall not be Lawfull for any Person or Persons whatsoever either by him her or themselves or by his her or their Councill or Attorney or by any other ways or means whatsoever to remove Such Suit or Action so Commenced in any of the aforesaid Courts to the Supream Court.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons whatsoever either by him her or themselves or by his her or their Councill or Attorney Shall Comence any Such Suit Cause or Action as aforesaid in any other Court

of Law then the Inferiour Courts beforementioned or Shall Sue forth any Writ of Habeas Corpus or any other Writ or Writs whatsoever or any Instrument Authority or Comand under any Denomination whatsoever (Except Writ of Error after Judgment given in the Inferiour Courts) whereby to call any Such Cause Suit Action or Pleas thereon had, to the Supream Court aforesaid, Such Person or Persons his her or their Council or Attorney so Commencing any Such Suit Cause or Action in any Court of Law but the Inferiour Courts aforesaid or so Suing forth Such writ of Habeas Corpus or any other Writ or Writs whatsoever or any other Instrument Authority or Comand under whatsoever DENOMINATION the Same may be and proceeding thereon by producing the Same to any Inferiour Court or Courts aforesaid by him her or themselves or by his her or their Council or Attorney (Except as is before Excepted) Shall for every Such Offence don Contrary to the true Intent and meaning of this Act, forfeit the Sum of Twenty Pounds Lawfull Money of this Colony to our Sovereign Lord the King his Heirs and Successors one half whereof for Support of the Government in this Colony and the other half to any Person who Shall Sue for the Same in any of the Inferiour Court or Courts aforesaid by Bill Complaint or Information wherein no Essoign Protection or Wager of Law nor any more then one Imparliance Shall be allowed

AND be it further Enacted by the Authority aforesaid that the Penalty or Penaltys, Forfeiture or Forfeitures, by this Act Lay'd directed and Enjoyn'd Shall not be Sued for or recovered in any other Court then in the Inferiour Courts aforesaid, And if any Person or Persons whatsoever either by him her or themselves or by his her or their Council or Attorney shall Sue forth any Writ of Habeas Corpus Writ of Error or any other Writ or Writs whatsoever or any other Instrument Authority or Comand under whatsoever Denomination the Same may be and proceeding thereon & producing the Same in any of the said Inferiour Courts in Order TO remove to the Supream Court aforesaid any Action Cause or Writ brought by Bill Complaint or Information in any of the Said Inferiour Court or Courts for recovery of the Penalty or Penaltys Forfeiture or Forfeitures by this Act laid directed and Enjoyned Such Person or Persons or his her or their Council or Attorney producing Such Writ of Habeas Corpus, writ of Error or other writ or writs or any other Instrument Authority or Comand of the purpose and Import before Expressed, and to the end and Intent beforementioned shall be

Comitted to the Comon Joal of the City County or Burrough for which Such Court is held by the Justices or Judges of the Court then Sitting, where Such writ of Error Habeas Corpus or other Comand Instrument or Authority Issuing from or returnable to the Supream Court aforesaid, shall be produced there to remain for the Space of Six Months without Bail or main prize, and Such Comitment to be made a Rule of the Said Court.

PROVIDED nevertheless that this Act shall and do not Extend to any Action where titles of Land or Tenements are in Question altho' the Value in dispute be less than Twenty pounds.

PROVIDED also that all Actions where any Person Shall Sue as well for the Kings Majesty as for himself and all other Actions to be Comenced in his Majestys name and behalf may be Comenced persued and determined in any Court of this Colony whereby Law the SAME heretofore has been Commenced persued and determined, Except only Such actions and Suits as may or Shall hereafter be brought or Commenced for the Penalty or Penaltys Forfeiture or Forfeitures in this Act lay'd directed and Enjoyed which shall not be brought Comenced Sued for or determined in any other Courts then the Inferiour Courts before mentioned. And to the end his Majestys good Subjects may not be destitute of proper means to Recover their Just dues and demands in this Colony, Be it Enacted by the Authority aforesaid, that all Suits or Actions which Shali hereafter be brought or Comenced in any of the Inferiour Courts beforementioned not Exceeding the Sum of twenty Pounds as aforesaid (Except as before Excepted) shall be heard Tried & determined therein, altho' the real Cause of Action did not arise in the City County or Burrough where Such Suite or Action shall be brought or Comenced and that the said Court or Courts shall not admit or allow of any foreign Plea to Quash Bar or Stop Such Suits or Actions, but proceed to hear Trye and determine them in the same manner as if the Cause of Action had arisen within the Jurisdiction of the Court or Courts where Such Suits or Actions shall be so brought or Comenced as aforesaid, any Law usage or Custom to the Contrary notwithstanding.

AND whereas his Majestys Subjects who live Remote FROM the City of New York are put to Greivous Trouble and intolerable Charges and Expence, being (as the Law is now construed to Stand) Obliged or Compelled to come with their Cognizors to the said City from their very distant Habitations whenever they are Obliged to put in Speciall Bail in the Supream Court of

this Colony, or Bail to the writ of Habeas Corpus graciously Intended for the safety ease and Quiet of his Majestys Leige People, The Generall Assembly therefore farther pray it may be Enacted and be it Enacted by his Excellency the Governour the Councill and the Generall Assembly and it is hereby Enacted by the Authority of the Same, That Immediately from and after the Publication of this Act, the Justices of the peace first named in each, Commission of the peace within the severall Citys and Countys in this Colony or in Case of his death or absence the Eldest Justice of the Quorum or the person next named in the said Comission shall be and hereby is fully authorized and Impowered in each of the Citys Countys & Burroughs where such Justice or Justices of the peace is or shall be Comissioned (the Citty and County of New York only excepted) to take and receive every Such Recognizance or Recognizances of Bail or Bailes as any Person or Persons is are or shall be desirous to make before him in any Action or suit depending or hereafter to be depending in the aforesaid Supream Court and in such manner and Form and by Such recognizance OR Bail peice as the respective Judges of the said Supream Court usually take the Same, which said Recognizance or Recognizances of Bail or Bail peices so taken as aforesaid shall be forthwith (under the pain and penalty of Ten pounds to be paid to our Sovereign Lord the King his Heirs and Successors by any Justice of the Peace who shall neglect the Same) Transmitted to the Clerk of the Peace of the City County or Burrough where such Justice or Justices so taking such Recognizance or Recognizances Bai peice or Bail peices, shall dwell or reside within three days after taking the same. And the said Clerk of the Peace shall within eight days after the receipt of the same or sooner if any Supream Court be then approaching and before the opening or siting of Such Supream Court next ensuing his receipt thereof, Transmit the Same Bail peice or peices Recognizance or Recognizances, to one of the Judges of the Supream Court with a Certificate of the Justices taking Such Bail or Recognizances, That he did take the same, which Certificate shall be Endorsed by Such Justice of the Peace on Such Bail peice or Recognizance, And the said County Clerk or Clerk of the Peace shall before he transmit the same in manner as aforesaid, Record Such Bail peice or Recognizance, and the Certificate made thereon in a Book to be by him kept for that purpose. And any JUDGE or Judges of the Said

Supream Court shall accept and receive the same, and the said Recognizance of Bail or Bail peice so taken & regularly transmitted as aforesaid shall be of the like Effect when taken absolutely or de bene esse as if the Same were or had been taken before any Judge or Judges of the said Supream Court, And the Cognizor or Cognizors of Such Bail or Bails shall not be compelled to appear in Person before such Judge or Judges either before or at the said Supream Court and the said Justice or Justices of the Peace in the severall Citys Countys and Burroughs of this Colony Shall Examine the Sureties to Such Recognizances of Bail or Bails peices as aforesaid when and as often as they Shall be thereunto requested by any Person or Persons concerned Interested in or affected by Such Bail Recognizance or Surety thereon concerning the Value of Such Suretys Estate and personal Circumstances.

PROVIDED nevertheless, That all Plaintiffs and their Council or Attorney shall have the same time allowed for excepting against the Sureties to be given in manner aforesaid as was usually allowed for that purpose before this Act, any thing therein to the Contrary notwithstanding.

AND be it farther Enacted by the Authority aforesaid, that the Judge or Judges of the Supream Court shall with every Recognizance of Bail or Bail peice to him transmitted, receive the one half of Such Fees as HE or they usually did receive before this Act and upon receipt thereof Shall file Such Recognizance of Bail or Bail peice and in all things proceed thereon as if the said Recognizance or Bail Peice had been taken by him or themselves and the Justices of the Peace in the Citys or Countys or Burrough of Westchester taking such Recognizance of Bail or Bail peices shall receive the one fourth part of so much as was by the Judge or Judges aforesaid usually taken before this Act as a reward for the trouble of the said Justice or Justices therein And the Clerk of the City County or Burrough who shall receive Record and transmit such Recognizance or Recognizances, Bail peice or peices shall likewise receive the same Fees as the said Justices of the Peace are to have by this Act as a reward for their trouble in receiving recording and transmitting the same.

AND in Case it should be hereafter thought Expedient to Establish one or more other Courts of Law within this Colony Superiour to the Inferiour Courts aforesaid. Be it Enacted by the Authority aforesaid that whenever such Court or Courts under whatever Title or Denomination the same may be shall

or may be so Established as aforesaid, That then in such court or Courts every article Clause matter and thing in this Act contained touching the Comenceing or REMOVALL of Actions or giving Specially Bail Shall be of the like Effect Force Import and Validity as the same are hereby Enacted to have in the said Supream Court in as full ampell and Effective a manner to all Intents Constructions and purposes whatsoever as if such Court or Courts as aforesaid were now Established and had been particularly named and mentioned in the Body of this Act.

AND be it Enacted by the Authority aforesaid That this Act Shall be deemed taken and Esteemed a Publick Act, and shall be admitted and allowed of as Such in all Courts of Judicature within this Colony.

AND be it Enacted that this Act shall continue in Force for the Space of two years from and after the day of Publication thereof and no longer

[CHAPTER 522.]

[Chapter 522, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344.]

An Act to Enable the Justices of the peace in the County of Richmond to build a County House and a New Goal in the said County.

[Passed, September 20, 1728.]

WHEREAS in and by vertue of an Act of General Assembly Entituled an Act for the better laying out regulating clearing and preserving publick comon High Ways in this Colony and for the Erecting and building a County Goal and County House in the County of Richmond passed in the third Year of Queen Anne it was amongst other things Enacted that the Justices of the peace of the said County Should build a County Goal which said Goal being built Accordingly is now in Such a Condition that it is highly necessary to build a new one and Some Doubts and Scruples being made whether the same can be done and money raised for that and other purposes mentioned in the Act Aforesaid

BE it ENACTED by the Governour Councill & General Assembly And it is hereby Enacted by the Authority of the same that the Justices of the peace of the Said County or the Major part of them Shall be and hereby are fully Authorized and Impowered to raise within the Said County a Sum of mony not exceeding the Sum of Two Hundred pound for the building of a Goal &

County House if the Major part of the JUSTICES of the peace of the Said County Shall think it necessary and the Sum or Sums of mony to be so raised for that purpose Shall be levyed collected and Employed in the same maner and form as in the beforementioned Act is mentioned and Directed

AND be it ENACTED by the Authority aforesaid that where any person or persons within the Said County Shall refuse or delay to pay the respective Sum or Sums of mony he She or they are Assessed at for the purposes aforesaid Any two Justices of the peace in the Said County Shall and may and hereby are required to Issue a Warrant under their hands and Seals to the Collector or Collectors of the Said County for levying the same by Distress upon the goods and Chattles of any person or persons who Shall So neglect or refuse to pay his her or their Assessment as aforesaid and the Collector shall & may after Six days publick notice given make Sale of the Said Distress and after deducting the Assessment of Such person & the charges to return the Overplus if any be to the Owner.

[CHAPTER 523.]

[Chapter 523, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 345. Continued by chapter 566.]

An Act to prevent damages by Swine in the precinct of Tappan and Some other parts contiguous thereto in the County of Orange.

[Passed, September 20, 1728.]

WHEREAS Several of the Inhabitants within the Precinct of Tappan and the places contiguous thereto have been and Still are very negligent and remiss about their Swine in Suffering them to go at large without any manner of care or restraint So that they often get into the Neighbouring Cornfields Orchards Gardens and other Inclosures and there doe considerable hurt and damage to prevent which for the future

BE IT ENACTED by his Excellency the Governour Councill and General Assembly and it is hereby Enacted by the Authority of the same that from and after the Six and twentieth day of March which will be in the Year of our Lord One Thousand Seven hundred and twenty nine it Shall and may be lawfull for all and every the Inhabitants within the Bounds of the precinct of Tappan and the persons Inhabiting to the Northward thereof as far as to the foot of Caspers Hill or Bergh and from thence with an East Line to Hudsons River and a West line to Demares

Kill from time to time and at all times thereafter during the Continuance of this Act to take keep or Impound (in any pound or place within the said precinct) all Swine Small or great which Shall So go at large and get into their or either of their Corne fields Orchards gardens or other Inclosures contrary to the true Intent & meaning of this Act untill the Owner or Owners of Such Swine Shall pay and Satisfy to the person or person who Shall So take keep or Impound them the Sum of three Shillings current mony of this Colony for the first Trespass of every Such Swine So taken kept or Impounded and for the Second and every other Trespass after the Sum of Six Shillings like money for every Such Swine besides the DAMAGES Such person or persons Shall have Sustained by means or reason of Such Trespass or Trespasses which damages So to be had Shall be ascertained by any Justice of the peace within the Said precinct provided Such damages do not exceed the Sum of twenty Shillings money aforesaid

AND be it further ENACTED by the Authority aforesaid that in case the Owner or Owners of Such Swine So taken kept or Impounded as aforesaid Shall or will not within twenty four hours after notice of Such taking keeping or Impounding redeem their Said Swine by paying the penaltys Imposed by this Act that then it Shall and may be Lawfull for the person or persons So taking keeping or Impounding Such Swine to expose them to open Sale to the highest bidder and the money Ariseing by Such Sale to dispose of the one half to his own proper use and the other half to the Overseers of the Said Precinct for the use of the poor within the Same

THIS Act to Continue and be in force for three Yeares from the Said twenty Sixth day of March One Thousand Seven hundred and twenty nine & no Longer

[CHAPTER 524.]

[Chapter 524, of Livingston & Smith and Van Schaack, where the title title only is printed. Title only is printed in Bradford, 1732 ed., p. 344.]

An Act to raise the Sum of One Hundred and Sixty Eight pounds Sixteen Shillings and five pence half penny in the City and County of New York for discharging the Debts and demands therein mentioned.

[Passed, September 20, 1728.]

WHEREAS Cap't Gerrit Van Horne Johannes Jansen and Jacobus Kip deceased have Served in Generall Assembly as Rep

representatives for the City & County of New York in the Years One Thousand Seven hundred and twenty five and One Thousand Seven hundred and Twenty Six as appears by the respective Certificates thereof Signed by the Speaker and for which they have not received any Reward

AND WHEREAS William Dugdale Esq'r high Sherif of the Said City and County hath expended and laid out for the Maintenance and Execution of Criminalls the Sum of Twenty two pounds eighteen Shillings and eleven pence and Mr Richard Nicholls as Coroner for Enquests on dead bodys of poor persons the Sum of Twenty eight pounds Seventeen Shillings & Six pence half penny as by their respective Accounts thereof allowed by the generall Sessions of the peace held for the Said City & County in February Anno One thousand Seven Hundred and Twenty Six and One Thousand Seven hundred & Twenty Seven may Appeare And it being conceived just and reasonable that THE Said Several Demands Should be Satisfyed and paid.

BE IT ENACTED by his Excellency the Governour Councill and General Assembly and by the Authority of the same that the Mayor Recorder Aldermen and Comonality of the Said City Shall and are hereby directed and required on or before the first Tuesday in the Month of October next ensueing to meet at the City Hall of the Said City and then and there order the raising & Levying on the Inhabitants Residents and Sojourners of and in the Said City and County the Sum of One Hundred and Sixty eight pounds Sixteen Shillings and five pence half penny Current money of this Colony for paying and Discharging the Said Demands and over and above for Collecting of Said money to every Collector that Shall Collect the Same the Sum of nine pence in the pound and to the City Treasurer for Receiving and paying the Same the Sum of One Shilling in the pound and that pursuant to an Order of the Mayor Recorder Aldermen and Comonality for the time being to be made a Warrant or Warrants Signed by the Mayor and Aldermen Shall be Issued to the Assessors and Collectors of each respective ward within the Said City and County requiring them to make Such Assessment and Collection and pay the Same to the Treasurer of the Said City for the time being at Such Convenient time as Shall be agreed on by the Said Mayor Recorder Aldermen and Comonality Soe as that the Sum above mentioned Shall be paid to the Treasurer of the Said City on or before the first Tuesday in the Month of

February which SHALL be in this present Year One Thousand Seven hundred & twenty eight

AND BE it further ENACTED by the Authority aforesaid that if any person or persons Shall neglect or refuse to pay Such Sum or Sums of money which he She or they Shall be assessed by virtue of this Act that it Shall and may be lawfull for the Collector or Collectors thereof to Levy the Same by distress and Sale of his her or their Goods and Chattles with reasonable Charges for Distraining restoring the Overplus if any be

AND be it further ENACTED by the Authority aforesaid that if the Mayor Recorder Aldermen and Comonality of the Said City or any of the Assessors or Collectors aforesaid who are hereby required Impowered and Authorized to take effectual care that this Act be duely executed According to the true Intent and Meaning thereof or any of them Shall deny refuse or delay to perform and Execute all or any of the powers duties and Authorities in this Act required to be done and Performed by them or any of them and Shall thereof be Lawfully Convicted in any Court of Record in this Colony he or they so denying refusing or delaying to perform the dutys aforesaid Shall Suffer Such paines and penalties by Fine or Imprisonment as by the discretion of the Justices of the Said Court shall be adjudged to be Sued and recovered by any person or persons aggrieved thereby.

AND be it further ENACTED by the Same Authority that the AFORESAID City Treasurer Shall out of the mony to be raised by virtue of this Act pay the respective Sums hereunder mentioned to the Several persons hereunder named or to their Executors Administrators or Assigns (that is to Say)

TO Cap't Garret van Horn the Sum of Thirty Nine pounds

TO Johannes Jansen the Sum of Thirty Nine Pounds

TO Catalina Kip widdow and Executrix of Jacobus Kip deceased the Sum of Thirty Nine pounds.

TO William Dugdale Esq'r the Sum of Twenty two pound eighteen shillins and eleven pence and TO Richard Nicholls the Sum of Twenty eight pounds Seventeen Shillings and Six pence half penny. And the respective Receipts of the Several persons above named their Executors Administrators or Assigns upon the Certificates and Accounts aforesaid Shall be a Sufficient Acquittance & discharge in the Law to the Said Treasurer for So much as in Such receipts Shall be mentioned to be Received

[CHAPTER 525.]

[Chapter 525, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Naturalizing Thomas
Timmer

[Passed, September 20, 1728.]

WHEREAS Thomas Timmer (a Minor) hath by his humble petition presented to the General Assembly of the Colony of New York desired that he may be naturalized and become his Majestys liege Subject within the Said Colony

BE IT ENACTED by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same that he the Said Thomas Timmer is hereby declared to be naturalized to all intents Constructions and purposes whatsoever and from henceforth and at all times hereafter Shall be Entituled to have and enjoy all the rights Libertys priviledges and advantages which his Majesty's Natural born Subjects in the Said Colony ought to have and enjoy as fully to all Intents and purposes whatsoever as if the Said Thomas Timmer had been born within his Majestys Colony of New York

PROVIDED always and it is hereby further Enacted that the Said Thomas Timmer Shall take the Oaths appointed by Law instead of the Oaths of Allegiance and Supremacy Subscribe the Test and make repeat Swear to and Subscribe the Abjuration Oath in any of his Majestys Courts of Record within this Colony which the Said Courts are hereby required upon Application to them made to administer and take a Subscription and CAUSE the name of the Said Thomas Timmer (after having So Sworn and Subscribed as aforesaid) to be Entered upon Record in the Said Court for all which the Said Thomas Timmer is hereby required to pay the Several Sums hereunder mentioned (that is to say) to the Speaker of the General Assembly the Sum of ten Shillings to the Judge of the Court the Sum of Six Shillings and to the Clerk three Shillings

AND be it further ENACTED by the Authority aforesaid that if the Said Thomas Timmer having So Sworn and Subscribed as aforesaid Shall Demand a Certificate of his being entred upon Record in manner aforesaid the Said Court is hereby directed and required to grant the same under the hand of the Judge and Seal of the Said Court in which the Said Thomas

Timmer Shall So Swear and Subscribe as aforesaid Counter-signed by the Clerk of the Said Court for which Certificate he shall pay over and above the Sums beforementioned the Sum of Six Shillings one half to the judge of the Said Court & the other half to the Clerk thereof which said Certificate Shall at all times be a Sufficient proof of the Said Thomas Timmers being Naturalized by this Act in as full & Effectual a manner as if the Records aforesaid were Actually produced by the Said Thomas Timmer.

[CHAPTER 526.]

[Chapter 526, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 345. Provided for by chapter 534.]

An Act for the better perfecting and Compleating a publick common High way through the County of Ulster.

[Passed, September 20, 1728.]

WHEREAS by an Act of General Assembly of this province made in the Second Year of the reign of the late Queen Anne it is Enacted that one publick Common general High way should be made to extend from the Southerly bound of the County of Ulster to the Northerly bounds thereof Said Road to be laid out by Commissioners in Said Act named as also other Commissioners for the Same purpose nominated and Appointed by one other Act of Assembly passed in the Seventh Year of the reigne of our late Sovereign Lord King George the first Entituled an Act for the better Clearing and farther laying out high ways Notwithstanding which the good purposes by Said Acts intended to be pursued are but in part compleated the Commissioners of Ulster by Said last Act appointed having begun the Said Road at the Northern Bounds of Said County and Carryed and laid out the Same So farr Southward to a Common Landing place comonly called the Roundout or near the Same in the township of Kingston

BE it therefore ENACTED by his Excellency the Governour COUNCILL and General Assembly and it is hereby Enacted by the Authority of the same that the persons hereafter named be and are hereby Appointed Commissioners for the County of Ulster for runing and Continuing the Said Road to the Southerly Bounds thereof vizt Coll'o Wessell Tenbrook Mr Moses Depuy Mr. Thomas Jansen and Mr. Peter Van Ouken

AND the Said Commissioners are hereby directed and Enjoined Sometime before the first day of April which Shall be in the year One thousand Seven hundred and twenty nine to finish and Compleat the laying out and marking the Said Road in manor and form following that is to say the Said Commissioners or any two of them shall run and lay out the Same Road from the South Side of the Round out Creek opposite to the Round out or Common Landing unto the Southerly Bounds of the County of Ulster and Shall make the Same Road as Streight and as near the Said River as the Land between Said Round out and the Southerly bounds of Said County will best permit

AND BE IT ENACTED by the Authority aforesaid that while Said Commissioners are laying out the same they Shall have full power and Authority to Summons and call any of the Inhabitants of Such precincts or Townships through WHICH Said Road shall pass to their Assistance in marking and laying out Such Road in Such manner as may on both Sides thereof Sufficiently Distinguish the Same which Road Shall be in all parts thereof at least four Rodes wide English Measure and if any the Inhabitants aforesaid Shall refuse to Attend Said Commissioners when So Summoned and to doe as by them directed concerning the marking the Said Road Such persons So refusing Shall forfeit Six Shillings for every default to be recovered before any one Justice of the peace by the Oath of one witness and whilst Said Commissioners or any two of them are employed there on they Shall receive the Sum of Six Shillings each day not exceeding ten days to be allowed by the Supervizors of Said County who are hereby directed and Comanded to allow the same and Said persons who Shall be Sumoned by Said Commissioners to mark said Road Shall receive the Sum of three Shillings for every day not exceeding ten days on which he shall be Employed to mark the Same all which Sums Shall be allowed by the Supervizors aforesaid and paid by the Treasurer of Said County and Shall be by him charged in his books as a publick County Charge

AND be it ENACTED that within fourteen days after Said Commissioners or any two of them have marked and laid out Said Road together with Such necessary bridges and Causways which they ARE Hereby Empowered to mark and lay out they Shall Record the Same mentioning the Respective precinct or Township wherein Such bridges or Causways are by them marked or layd out in the Office of County Clerk of the County

of Ulster which Roads bridges and Causways recorded Shall forever after remain a publick Common High way

AND be it further ENACTED by the Authority aforesaid that all forfeitures in this Act mentioned shall be Applied One half to the Charge of marking and laying out Said Road and the other half to Such person as Shall Sue for the Same

[CHAPTER 527.]

[Chapter 527, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. Continued by chapter 533.]

An Act to Let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the same Duties as distilled Liquors

[Passed, September 20, 1728.]

WHEREAS by an Act of General Assembly of this Colony made in the twelfth year of her late Majesties reign Entituled An Act for laying an Excise on all Strong Liquors retailed in this Colony there was given and granted unto her Majesty her Heirs and Successors from the first day of November in the Year of our Lord One Thousand Seven hundred and fourteen unto the first day of November One Thousand Seven hundred and thirty four for the use in the said Act mentioned and expressed an excise upon all Strong Liquors retailed throughout this Colony under the quantity of five gallons (beer and Cyder only excepted) to witt the eighth part of an Ounce of Sevil pillar or Mexico plate for each gallon so retailed and likewise three quarters of an Ounce of the Said plate for every barrell of beer and Cyder And to the end that the Said duty of Excise may be ordered Collected and managed to the best advantage for and towards the uses in the said Act expressed

BE IT ENACTED by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same that the persons hereafter named Shall be and hereby are appointed to let to farm the Said Excise from the first day of November in this present Year One thousand Seven hundred and TWENTY Eight to the first day of November which will be in the year One Thousand Seven hundred and twenty nine in the Cities and Counties for which they are respectively named by publick Outcry Auction or Vendue throughout this Colony that is to Say.

FOR the City and County of New York Coll. Robert Lurting and Mr William Sharpas

FOR the City and County of Albany the Mayor and Recorder of the said City for the time being.

FOR the County of Suffolk Selah Strong Esq'r

FOR Queens County Richard Betts Esq'r and Mr. Joseph Smith Jun'r

FOR Kings County Mr Ryck Suydam and Mr Peter Lefferts

FOR West Chester County Mr William Forster & Mr Anthony Lispenard

FOR Ulster County Mr. William Elting and Mr Timothy Low

FOR Dutchess County Barent van Cleek Esq'r and Mr Henry vanderburgh

FOR Richmond County Mr. Adam Mott and Mr Abraham Cole and

FOR the County of Orange Albert Minne and Vincent Matthews Esq'rs

AND be it ENACTED by the Authority aforesaid that the persons aforesaid Shall and hereby are required and Impowered to let to farm the aforesaid Excise in the Citys and Countys for which they are respectively named by publick Outcry Auction or Vendue to the highest bidder on any day in the Month of October next ensuing not exceeding the twenty ninth day of the Said MONTH and they are hereby further required and directed to give in each of the respective citys towns Mannors and precincts for which they are appointed publick notice ten days at least before the day of sale by Advertisements fixt in the most publick place in each City Town Mannor and precinct mentioning therein the place day and hour of the day when Such farming is to be made and they are hereby likewise directed and required to let the Same to farm at the most publick and Convenient place in each respective City and County for which they are Appointed as aforesaid and not to begin the doing thereof before the hour of Eleven in the morning nor to Strike it of within two Hours after they begin the Said Vendue and the persons aforesaid are hereby further required respectively to take a Recognizance from the person or persons who shall farm the Said Excise with good and Sufficient Securitys Conditioned that they pay the Sum it was farmed at every half year by even and equal payments into the hands of the Treasurer of this Colony for the time being who is hereby Appointed to receive the Same

BE it ENACTED by the Authority aforesaid that for the more effectual Enabling the farmers of the Duty of Excise in the respective City and County for which they farmed the Same that they shall have full power and Authority to collect and gather the Said Excise from all and every the Retailers of Strong Liquors within Such City or County which Retailers Shall respectively upon their receipt OF all or any of the Strong Liquors made liable to pay the duty of Excise by the Act aforesaid come to the Farmers of the Said Excise their Executors Administrators or Assigns and give a true and just Account of all the Said Liquors received by them and pay immediately or Secure to be paid within three Months to the Farmers of the Said Excise their Executors Administrators or Assigns the duty of Excise for the Said Liquors appointed by the Act aforesaid, and all Such Liquors as Shall be found belonging to any Retailer or Retailers whether it shall be found in the house Outhouse Cellar or Close of the Said Retailer or Retailers or in the house outhouse Cellar or Close of any other person and put there by the said Retailer or Retailers or by their or any of their direction and appointment and have not been duely reported According to the true Intent and meaning of this Act and pay the Said duties of Excise or Secure the Same to be paid as aforesaid that then and in Such case upon Conviction by the Oath of one or more Credible Witnesses before any Justice of the peace within this Colony the Said Retailer or Retailers So Offending Shall forfeit all Such Liquors and three times the vallue thereof to the Said ffarmers their Executors Administrators or Assignes to be recovered before any one Justice of ye peace who is hereby (as occasion Shall require) Impowered directed and Comanded to hear try and determine the same as the matter Shall appear to him to whom Complaint is made and award Execution Accordingly by ISSUING his Warrant for the Seizing of Such Liquors as Shall be forfeited as aforesaid and Shall order the same to be delivered to the Said ffarmer or ffarmers their Executors Administrators or Assigns in the respective City and County where the Same Shall happen and Shall also Issue his warrant for the Apprehending and comitting to the Common Goal every Such Retailer or Retailers offending as aforesaid contrary to the true Intent and meaning of this Act being Convicted thereof as aforesaid thereto remain without bail or mainprize untill he She or they Shall make payment unto the Said ffarmer or ffarmers their Executors Administrators or Assigns of three times the value of

Such Liquors So Seized and forfeited as aforesaid and the Sheriff of Each County in this Colony where Such Offence happens to be Committed is hereby directed and Comanded to receive the bodys of any Such Offender or Offenders and him her or them to keep in the Common Goal of the County of which he is Sherif Accordingly to the tenour of Such Warrant and if the Said Sherif Shall Suffer the Said person or persons so Comited to him to escape out of the Said Goal he Shall be liable to an Action in the Same Manner as if the Said person or persons had been Committed in Execution by process out of any Court of Record within this Colony

PROVIDED always and it is hereby further Enacted that nothing Contained in this Act, nor contained in the first mentioned Act or in any OTHER Act now in force relating to the Excise Shall be construed to hinder or debarr the Said ffarmer or ffarmers in the respective City and County for which he or they farmed the Said Excise their Executors Administrators or Assigns from Compounding with any of the persons offending or from remitting all or any parte of the penalties and fforfeitures contained in this or any of the aforesaid Acts or from Contracting or agreeing with all or any the Said Retailers for any Sum of money or other Consideration in lieu and in Stead of the Said duty of Excise to be paid by them or any of them but that it Shall and may be lawfull for the Said ffarmer or ffarmers in the City or County of which he or they farmed the Excise their Executors Administrators or Assigns to Compound Compromise and agree with any the persons offending contrary to the meaning of this Act and to remit all or any part of the penalties and forfeitures as they Shall think fit and to agree with all or any the Retailers of Liquors for any Sum or Sums of money or other Consideration to be paid by the Said Retailer or Retailers in Lieu and instead of the duty of Excise aforesaid any thing in this or any other Act to the contrary in any wise Notwithstanding

AND be it ENACTED by the Authority aforesaid that it Shall and may be lawfull for the Said ffarmer or ffarmers in Each respective City and County for which he or they farmed the Said Excise their Executors Administrators or Assigns to enter into the houses Outhouses ware houses Cellars or Closes of any of THE Said Retailers of Strong Liquors at any time and So often as they Shall think fit during the Said One Year to Gauge and take an Account of all Such Strong Liquors Excise-

able as aforesaid and when Such Account of the Quantity of Strong Liquors Exciseable as aforesaid by the persons aforesaid or any of them is taken the Said Retailer or Retailers of Strong Liquors are hereby required to pay the Excise due for the Same or enter into bond with Sufficient Sureties Such as the ffarmer or ffarmers his or their Executors or Administrators Shall approve of to pay to the Said ffarmer or ffarmers his or their Executors Administrators or Assigns the Said Duty of Excise within three Months from the day of the date of Such Bond And if Such Retailer or Retailers Shall delay or refuse to pay the Said duty or delay or refuse to give Such Bond it Shall and may be lawfull for the Said ffarmer or ffarmers his or their Executors Administrators or assigns to Seize all Such Liquors and upon proof made on the Oath of one or more credible witnesses before any one of his Majesty's Justices of the peace that Such Liquors were Gauged and payment demanded for them or bond demanded to be given According to the Tenour of this Act if Such Retailer or Retailers cannot when before Such Justice of the peace make proof by the Oath of two credible witnesses of the payment of Such money or giving of Such bond as aforesaid the Said Justice of the peace Shall adjudge Such Liquors So gauged as aforesaid to be forfeited to the Said ffarmer or ffarmers their or either of their Executors Administrators or ASSIGNS and award the Delivery of them Accordingly.

BE it further ENACTED by the Same Authority that if any person or persons within this Colony Shall from and after the publication of this act and during the Continuance thereof Sell any Strong Liquors to any Indian or Indians without first being duely Licenced by the farmer or ffarmers aforesaid and Shall thereof be accused by the Information of any Such Indian or Indians before any one of his Majestys Justices of the peace in the Cities and County's where the person or persons offending Shall dwell or reside Shall be liable to pay the penalty mentioned in this Act if Such Offender refuse to take his her or their Oaths that he She or they have not Sold any Strong Liquors to Such Indian or Indians directly or indirectly

AND Be it further ENACTED by the Authority aforesaid that the persons herein appointed to let to farm the Excise in each respective City and County within this Colony Shall and hereby are Strictly charged and required to transmit or deliver unto the Treasurer of this Colony within One Month after they have let the Same the respective Recognizances which they are

hereby required to take from the ffarmers thereof and Such of the persons so appointed in manner as aforesaid as Shall not transmit or deliver the Said Recognizance to the Treasurer within the time above limited Shall for Such Neglect or Omission be prosecuted at the Suit of his Majesty and be Liable to DOUBLE the Damages that may Accrue or be made out to be sustained by Such Neglect or Omission as aforesaid to be Recovered in any Court of Record within this Colony by bill plaint or Information wherein no Essoign protection or wager of Law nor more than one Impar lance Shall be Allowed

And be it further ENACTED by the Same Authority that the Treasurer of this Colony be and hereby is Empowered and directed to prosecute to Effect in manner as aforesaid all and every Such ffarmer or ffarmers their Surety or Sureties as Shall not pay and discharge the Sum and Sums of money for which he or they have farmed the said duty of Excise within One Month next after the time and times in their Recognizances mentioned and Expressed

BE it farther ENACTED by the Authority aforesaid that all reasonable Charge and expence which Shall or may accrue by means of letting the Excise to farm in the manner before directed Shall be borne and paid by each respective City and County wherein the same Shall be so let and paid by them respectively in the Same Method and manner as they pay and discharge their other publick Annual Charges any former usage or practice to the Contrary hereof notwithstanding

AND WHEREAS there has of late been Imported pretty large Quantitys of a Liquor called and known by the name of Shrub which being made of Distilled Liquors with an Addition of Sugar & Lime juice OUGHT to be Subject to the Same duties and Excise as Distilled Liquors are

BE it therefore declared and ENACTED by the Authority aforesaid that from and after the publication of this Act and untill the first day of September which will be in the Year One thousand Seven hundred and thirty three all Shrub or other Spirits having the additions above mentioned by whatever name it may be distinguished Shall be Subject and liable to pay the Same Duty as Rum Brandy or other distilled Liquors are Subject and liable by any Act or Acts now in force in this Colony and likewise to the Excise herein before mentioned if retailed under the Quantity of five Gallons.

[CHAPTER 528.]

[Chapter 528, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 342. Continued by chapter 545.]

An Act for Regulating ffences for the
Severall City's and County's within this
Colony of New York

[Passed, September 20, 1728.]

WHEREAS the Respective City's and County's within this Colony of New York are So Circumstanc'd as to have different and distinct Ways in the Improvem't of Tillage and pasturage of their Lands, Gardens, Orchards and Meadows and that it is altogether necessary that the Said Respective County's Citys, Towns Districts and Mannors may be made Capable in the Law to make prudentiall Rules Orders and Directions for the Makeing Amending and Maintaining their Customary Circular and partition ffences BE it therefore Enacted by the Governour Council and Generall Assembly and by the Authority of the Same that the ffreeholders and Tenants in possession of every Town Man-nor and precinct within Each City and County within this Colony are hereby Impower'd Annually after the publication of this Act to Meet and Assemble themselves together att Such times and places as Shall be appointed and directed under the hands and Seals of any two of his Majesties Justices of the Peace or att their Annuall meetings in which Meetings the Said ffreeholders and Tenants in possession are by this Act Impower'd by the Majority of Votes to make and Establish Such prudentiall Orders Rules and Directions for the Makeing Maintaining and Amending of their Accustomary Partition and Circular ffences for their Lands Gardens Orchards and Meadowes as they Shall Judge most proper and Convenient And also to make Such prudentiall Orders Rules and Directions for Impounding of all manner of Cattle or Creatures as they Shall Judge most proper and convenient which Orders Rules and Directions So made as aforesaid being enter'd upon the Publick Register of Such City Town Mannor Precinct or County Shall remain and be of full force untill the Severall and Respective ffreeholders and Tenants in possession Shall think fitt by the like Majority of Votes to alter all or any part of the aforesaid Orders Rules and Directions So made as aforesaid which Alteration and Alterations

from time to time being likewise Enter'd upon the Registers as Aforesaid Shall Continue and remain in full force untill the Same be new made and Alter'd as aforesaid.

AND Whereas the ffreeholders and Tenants in Possession in Some of the City's and County's of this Colony are Accustomed to make Circular ffences for the Surrounding of their Lands and Meadow's they manure either in Tillage or Pasturage by which mean's great Quantities of Lands and Meadow's are Surrounded by the Said Circular ffence and those who have Lands Meadowes ffields or Pastures within the Said Circular ffence have there Such their Lands & Meadow's aforesaid Secured by the Said ffence without Contributeing their proportion towards paying the Charge of the Said ffence to the End the Same may be remedied for the future Be it further Enacted by the Same Authority that if any Lands or Meadowes Shall lye within any Circular ffence Except where any Town within this Colony have already agreed to the contrary The Owner or Possessor thereof Shall in proportion to the Quantity of Lands and Meadow they have within the Said ffence pay and contribute to the makeing and maintaining the Said ffence and if any person or persons Shall deny neglect or refuse to pay make and maintain or Contribute his or their proportion to the makeing of the Said Circular ffence as aforesaid then it Shall and may be Lawfull for any two Justices of the peace of the Said County residing near where Such Default Shall happen upon View of the Said Defect to Assess the proportion of the Said ffence due and payable as aforesaid and Levy the Same by Warrant under their hands and Seal's directed to the Constable of the Towns Mannors or precincts where Such Default Shall happen upon the Goods and Chattells of him or them who Shall So have Lands or Meadows within the Said Circular ffence and hath not Contributed or paid towards makeing the Same to be applyed to the makeing of the Said Circular ffence returning the Overplus if any be the Charge of Distress and Sale being first Deducted.

AND be it further Enacted by the Authority aforesaid that where any person or persons already have or hereafter Shall Set his or their ffence in the partition Line of Lands and Meadows between him and Them his or their Neighbour or Neighbours they Shall make and maintain the Division ffence equally between them Except any Person be willing to lett his Land or Meadow lye Vacant for Comon ffeeding And if either of them refuse or neglect So to do then Such person or persons So Neg-

lecting or Refusing to make and maintain the Division fence Shall pay all Damage that Shall Accrue to his Neighbour by Such Neglect to be approved by the Viewers of the fence or any two of them who Shall be first duely Sworn, that they will truly and without any favour or partiality appraise the true and real Value of Such Damage, According to the best of their knowledge Skill and Judgment and the Said Damage So Valued as aforesaid Shall be Levyed on the Goods and Chattells of the party or parties So refuseing as aforesaid with all other Charges accruing by the Same by Execution directed to the Constable under the hand and Seal of one of his Majesties Justices of the peace Returning the overplus if any there be.

AND be it further Enacted by the Authority aforesaid that the Severall and respective freeholders and Tenants in possession within Each Town Mannor and Precinct are att the time of their Annuall Meetings Yearly and every yeare appointed by this Act hereby Impower'd to make Choice of So many Sufficient able and Discreet persons as they Shall think necessary to be Viewers Overseers and Judges for the Ensueing Year of all and every their Respective fences within Each Town Mannor and precinct for which they are Chosen and Elected to be Viewers or Overseers and all or any of the Overseers and Viewers of fences So Chosen as aforesaid y't Shall Deny or Refuse to perform the Duties and Services by him or them to be done and performed pursuant to the true Intent and Meaning of this Act all and every Such Persons or Persons So denying and refusing Shall forfeit and pay the Sum of five pounds Current money of this Colony to be Recovered in the Court of Comon pleas in the City or County where Such Refusall or Deniall Shall happen to be made which Said forfeiture Shall be Applyed to the Defraying the publick Charge of the Said Citys Towns Mannors and precincts and Countys respectively. AND be it further Enacted by the Authority aforesaid that it Shall and may be Lawfull for the Mayors Aldermen and Commonalties of the City's and County's of New York and Albany and Burrough of West Chester for the time being in Comon Council Conven'd to make further Orders Rules and Directions for the makeing amending and Maintaining the partition fences between the freeholders and Tenants in Possession of the Severall and Respective Lotts Gardens fields and Orchards within their Severall and Respective Jurisdictions as they Shall Judge most proper and Convenient and to Impose from time to time Such fines not Exceeding the

sum of twenty shillings on the person or persons denying neglecting or Refuseing to Obey Such Orders Rules and Directions So to be made by them Respectively as they Shall think Convenient

AND be it further Enacted by the Authority aforesaid that every Town Mannor or Precinct Shall have and make a Sufficient pound or pounds at Such Convenient place in each respective City Town Mannor or precinct as Shall be Ordered and Directed by two Justices of the peace of that County in Order to Secure unruly Cattle or Creatures till Such time Satisfaction be made or Secured to be made to the person or persons Agrieved which pound is to be made at the Charge of Each respective Town Mannor or Precinct and if any person Deny refuse or Neglect to pay their proportion of the Charge of Such pound as will be Assessed by the Chosen Assessors for that Year any one Justice of ye peace of that County Shall Issue his Warrant to the Constable to Distrain upon Such persons Goods and Chattells to Satisfy the Same returning the Overplus if any be to the Owner This Act to be in force from its publication dureing the Time of Two Yeares and from thence to the End of the next Sessions of Generall Assembly and no Longer.

[CHAPTER 529.]

[Chapter 529, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. Livingston & Smith and Van Schaack state that this act was repealed by the king December 11, 1729.]

An Act for Confirming the Act therein mentioned with Some alterations and Additions, For paying provisions and other Stores and Services already furnished and done for the use of the Tradeing House at Oswego and for Subsisting it during the time therein mentioned for borrowing mony for those purposes and providing Fonds for the Repayment thereof.

[Passed, September 20, 1728.]

WHEREAS in an Act of the General Assembly Entituled an Act for defraying the Cost and Contingent Charges of the trading house Erected at Oswego and the maintaining it during the time therein mentioned for applying Several Fonds and borrowing a Certain Sum out of the Excise for that purpose for the effectual Recovery of former fines and forfeitures for continuing

the different duties on Indian goods during the time therein mentioned and for making good the mony So to be borrowed of the Excise passed in the first Year of his present Majesties Reigne Such Obstructions have happened in Attaining the ends and purposes thereby Intended as do require other provision to be made for the Effectual doing thereof

BE it ENACTED by his Excellency the Governour the Council and the general Assembly and it is hereby Enacted by the Authority of the Same that the before mentioned Act and every Clause Article and thing therein Contained Shall be and hereby is Continued of fforce to all Intents Constructions and PURPOSES whatsoever Excepting only Such part and parts thereof as by this present Act Shall be altered explained or repealed.

AND WHEREAS in and by the Said Act the Mayor Recorder and Aldermen of the City of Albany or the major part of them were appointed Authorized Impowered directed and required to do and execute all matters and things necessary for recovering the Several fines and forfeitures Enumerated and described in the Said Act and the Town Clerk of the Said City was thereby Ordered and directed to do and performe the Several matters and things mentioned in the Said Act relating to the Said ffines and fforfeitures And it appearing that the Obstructions which happen therein were Chiefly occasioned by Misunderstanding or Misconstructing the Said Act.

BE it Declared and ENACTED by the Authority aforesaid that the Said Mayor Recorder and Aldermen and every of them as likewise the Said Town Clerke Shall be and hereby are Acquitted and discharged from the Fine and penalty thereby laid upon them for not executing the powers aforesaid any thing in the Said Act to the contrary notwithstanding And they and every one of them are hereby forbid and Inhibited to do or exercise the aforesaid powers and Authorities or any parte thereof

AND to the End the ffines and fforfeitures mentioned in the Said Act may effectually be recovered and the like Obstructions prevented therein BE IT ENACTED by the Authority aforesaid that Rutger Bleeker Evert Wendell and Ryer Gerritse Esq'rs Shall be and hereby are Appointed the Commissioners for Recovering the Same in the Same manner and by the Same Methods which in the Said Act was prescribed & directed to be done and performed by the Mayor Recorder and Aldermen aforesaid

And to the end the Said Commissioners may be fully Enabled for the purposes intended by this Act BE it ENACTED by the Authority aforesaid that the Said Rutger Bleeker Evert Wendell and Ryer Gerritse Shall be and hereby are fully vested with all and Singular the powers and Authorities by the said Act given to and vested in the Said Mayor Recorder and Aldermen touching every matter and thing relating to the Recovery of the fines and forfeitures aforesaid in as full and ample manner and to all Intents Constructions and purposes as if all and every the Said powers and Authorities were particularly and at large given to them in this Act.

BE it farther ENACTED by the Authority aforesaid that the Said Commissioners Shall be Subject and liable to all and every the rules orders and Directions Take the Same Oaths and be liable to the Same fines and penalties as in the Said Act are in that behalf particularly mentioned for the Mayor Recorder and Aldermen as fully and to all Intents Constructions and purposes as if the Same were at large repeated in the body of this Act

PROVIDED Nevertheless that instead of the Oath therein ordered to be first taken by the Mayor Recorder and Aldermen the Said Commissioners and every of them Shall take the following Oath (to witt) I A. B: do Swear that I Shall for my part well and truly execute and performe all and every the matters and things in this Act required to be done by the Commissioners appointed for recovering the Fines and forfeitures thereby Intended to be recovered to the utmost of my power and Ability and neither to Spare any person or persons for favour or Affection or vex or trouble them out of hatred prejudice or malice So help me God

And to avoid any difficulty to the Said Commissioners in taking the Oath to be taken by persons Suspected to have traded with the ffrench contrary to the Laws of this Colony BE it ENACTED by the Authority aforesaid that it Shall and may be lawfull for the Said Commissioners to take the Same with the following Explanation (to witt) after the words [nor do I directly or Indirectly know that any person or persons not already discovered] to make the following explanation (to witt) [except Such as we Suspect which we Shall now discover & make a list of] and all other persons may in lieu thereof make the following exception (to witt) [except Such as I Shall now discover and give an account of]

And for Encouraging the Said Commissioners to recover the

aforesaid Fines and forfeitures to effect BE it ENACTED by the Authority aforesaid that all & Every Sum and Sums of money which they Shall recover or receive by means thereof Shall with all convenient Speed be transmitted by them to the Treasurer of this Colony And it Shall and may be lawfull for the Said Commissioners to retaine in their own hands out of the money they Shall so receive and transmit the Sum of tenn pounds for every hundred pounds and in that proportion for a greater or lesser Sum.

And as for the charges which may accrue for recovering the fines and forfeitures aforesaid the Same Shall not exceed what is allowed by the Said Act and paid in the manner therein directed

BE it farther ENACTED by the Authority aforesaid that William Hopkins Shall be Clerk to the Said Commissioners and he the Said Clerk is hereby vested with all and Singular the powers and Authorities And be Subject to Observe the Directions and orders which he Shall from time to time receive from the Said Commissioners and to all other directions injunctions and fines which the Town Clerke by the Said Act was made liable to. And the aforesaid William Hopkins Shall be Entituled to the Same Reward as in the Said Act were allowed to the Town Clerk to be paid in the manner therein directed

BE it farther ENACTED by the Authority aforesaid that the High Sherif of the City and County of Albany for the time being Shall be and hereby is required and directed not only to Summons but likewise take Such persons into Custody and Seize on personal and Real Estates and make Sale thereof as he from Time to time by Summons or Warrants under the hands and Seals of the said Commissioners Shall be ordered and directed and to do performe and execute every other Act or Acts thing and things which in the aforesaid Act is required and directed to be done and performed by the High Sherif for the time being And the Said High Sherif is hereby vested with all and Singular the powers and Authorities which in the Said Act is given to the high Sherif of the Said City and County as fully and amply to all intents constructions and purposes whatsoever as if all and Singular the particulars abovementioned had been at large incerted in the body of this Act and be Entituled to the Same fees and Rewards as are therein allowed payable in the manner directed by the Said Act And the Said Sherif for the time being Shall be Subject to the Same fines and penalty's which are laid and

Imposed in and by the Act aforesaid to be recovered and applyed in the manner therein directed

BE it ENACTED by the Authority aforesaid that the Clerk of the Council or his Deputy Shall within fourteen days after the publication of this Act Send an Attested Copy thereof unto the Commissioners before named who are hereby required and directed within fourteen days after they Shall receive the Said coppys to make out Such a List of Indian traders as is described in the Act aforesaid and against all Such of them as they know Suspect or Shall be Informed at that time or any time thereafter to have traded with the ffrench contrary to the Laws of this Colony they are to Issue a Summons within eight days after the TIME above mentioned and as Occasion may require to Issue a Second and third Summons against them and from time to time to do the like against Such others as they Shall afterwards Suspect or be Informed to have So traded as aforesaid All which is to be done and performed by them in the Same manner and by the Same Methods as in the Said Act is directed to be done and performed by the Mayor Recorder and Aldermen, And they the Said Commissioners (or the major part of them) are hereby fully Empowered Authorized and required to do and perform the Same Accordingly, and to put all and Singular the duties and Services hereby required to be done by them in execution with all Convenient Speed So as that the fines and fforfeitures aforesaid may be recovered and all things relating thereto fully Settled and Compleated on or before the ffirst day of March next Ensueing

BE it farther ENACTED by the Same Authority that the Said Commissioners and the Said Clerk Shall be oblidgeed and hereby are required to prepare Such two books as in the aforesaid Act is directed and therein to enter every matter and thing touching and Concerning their proceedings in and about the Said ffines and fforfeitures and at the end and Conclusion of their said proceedings to Sign the Said books and transmit one of them to the Secretarys Office in the Same Manner as in the aforesaid Act is mentioned and directed which Said two books are to be Signed by the high Sherif likewise

BE it further ENACTED by the Authority aforesaid that if the before NAMED Commissioners or the before mentioned Clerke or the high Sherif for the time being Shall neglect delay or refuse to performe the Several Matters in this and the aforesaid Act to be done and performed by them respectively they or

Such of them as Shall So neglect delay or refuse the Same Shall be Subject and liable to the ffines and penalties which in that behalf are Inflicted by the Said Act on the Mayor Recorder Aldermen Town Clarke and High Sherriffe Respectively to be recovered and applyed in the Same Manner as is therein directed

AND WHEREAS the persons that go to trade with Indians to the Westward of Albany often bring Such part of their goods back as they do not dispose of and thereupon the duty is remitted of Such goods as are Soe returned And it being possible that Such goods may afterwards be carry'd out again without entering or Securing the duty thereof.

BE it ENACTED by the Authority aforesaid that when goods are So unsold the person returning the Same Shall not be relieved of the duty he Entred into Recognizance for untill he Swear on the Holy Evangelists that Such goods were bona fide entered with the Commissioners under whose Management that duty is, that he will not carry or Send them out again in order to trade therewith without first Securing or paying the duty thereof, and that he carry'd or Sent no more goods than what he Entred into Recognizance for at the time of his Setting out

BE it also ENACTED by the Authority aforesaid that in case the before named persons hereby appointed Commissioners Should happen to dye or refuse to doe and PERFORM what by this Act is required to be done and performed by them It Shall then be lawfull for his Excellency the Governour by and with advice of the Council to appoint and Commissionate proper persons in the room and Stead of Such of them as may So happen to dye or refuse to act, and the person or persons soe to be Commissionated for the reasons aforesaid Shall have the same powers be Subject to Same Rules and penalties as are hereby given to and inflicted on the Commissioners by this Act Appointed and in case of their Offending the fines and penalties are to be Recovered & applyed in manner aforesaid

BE it further ENACTED by the Authority aforesaid that if the Clerk hereby appointed Shall happen to dye remove or refuse to Act it Shall and may be lawfull for the Said Commissioners to appoint Such other Clerk in his Stead as they or the major part of them Shall think fit, and Such Clerk Shall have the Same powers and Reward and be Subject to the Same fine and penalty as the Clerk named in this Act to be recovered and apply'd as aforesaid

AND WHEREAS the Riding was not done nor the provisions Rum and Sugar delivered which are mentioned and were provided for in four Articles of the aforesaid Act (to witt) To John Turck Cass and Johan Joost Petri One Sum of forty five pounds another Sum of One hundred and nine pounds five shillings and another Sum of fifteen pounds and for Rum and Sugar one Sum more of thirty One pounds ten Shillings.

BE it ENACTED by the Authority AFORESAID that the above mentioned four Articles Shall be and hereby are fully and absolutely repealed and made null and void and that the Same Shall not nor any part thereof be paid to the above named persons or either of them or to any other person or persons whatsoever anything in the Said Act to the Contrary hereof in any wise notwithstanding

AND forasmuch as some of the last named persons have nevertheless done and delivered in part what was expected from them by the Said Act and that they have received no Satisfaction for the Same

AND WHEREAS Several other persons have likewise done Services and furnished Necessarys for the use of the Tradeing House at Oswego and the Troops posted there. And Whereas it is just and reasonable that provision be made for discharging the Same And that it is Conceived necessary to make further provision for Subsisting the Said Troops and for the Contingent Charges requisite to Support them and the tradeing House for the Term of fifty two Weeks the whole Charge of all which is found doth and will amount to the Sum of Twelve Hundred and three pounds and ten pence.

BE it ENACTED by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that there Shall be paid by the Treasurer of this Colony in Sevil pillar or Mexico plate or Bills of Credit made Current in the Said Colony to the persons hereafter named THEIR Executors Administrators or Assigns the Several and respective Sums following that is to Say. For Provisions Rum &c and for Riding Stores Batto's &c. TO Jan Joost petri in full of two Accounts amounting to Seventy two pounds thirteen Shillings the Sum of Sixty nine pounds Eighteen Shillings.

TO John Jurck Cast in full of two Accounts amounting to Eighty eight pounds nineteen Shillings and nine pence three farthings the Sum of Eighty four pounds eighteen Shillings and three pence three farthings

TO Jacob Verplank in full for provisions the sum of Seventeen pounds Eleven Shillings

TO Hendrick TenEyck for Ditto the Sum of four pounds nineteen Shillings and Seven pence half penny

TO Johannes Tenbroeck for Ditto the Sum of four pounds Sixteen shillings and nine pence

TO Hendrick Rooseboom for Ditto the Sum of One pound Seven Shillings and four pence half penny

TO Fredrick Pellinger for Ditto the Sum of One pound Eight shillings and three pence

TO Robert Rooseboom for Ditto the Sum of two pounds nine shillings and Six pence

TO Abraham Wendall for Ditto the Sum of Sixteen Shillings

TO Gulian Verplank for Ditto in full of his Account Amounting to two pounds two Shillings the Sum of One pound four Shillings

TO Johannes Lansing for Ditto in full of two Accounts the Sum of Seven pounds and Six pence

AND to the following persons their Executors or Administrators for Sundry Stores Necessarys and Services for the use of Oswego and the Troops posted there (vizt)

TO Gysbert van Brakell for riding one Load the Sum of Nine Shillings

TO Abraham Wyngaert for a Journey to Oswego the Sum of Six pounds thirteen Shillings.

TO Casper Ham for the like Service the Sum of Six pounds thirteen Shillings

To Godfrey Reale in full of two Accounts for Riding goods amounting to thirteen pounds four Shillings the Sum of Nine pounds Eighteen Shillings

TO philip Livingston in full of his Account amounting to twenty two pounds four Shillings the Sum of twenty One pounds fifteen Shillings and Eight pence

TO Thomas Schoenmaker in full of his Account of four pounds four Shillings the Sum of three pounds three Shillings

TO William Hogan and Company as Guides to the Falls the Sum of Three pounds fifteen Shillings

TO Dirck Tenbroeck for provisions and other necessarys the Sum of Seven pounds ten Shillings

To Ephraim Van Veghten for a Journey to Oswego being Six pounds eighteen shillings and nine pence the Sum of Six pounds Sixteen Shillings and Six pence

TO Andries Van denbergh for the like Service instead of his Account amounting to Seven pounds One shilling and nine pence the Sum of Six pounds nineteen Shillings & Six pence

TO Anthony Bogardus for Repairing Battoo's the Sum of two pounds and Six pence

TO Jeremiah Schuyler for Negro hire the Sum of five Shillings and Six pence

TO Cap't Hen Holland for Waggon hire Mollasses and Several other necessarys paid for by him the Sum of Six pounds eight Shillings

TO Dirck Groot for Waggon hire in full of one pound Seven Shillings the Sum of One pound five Shillings

TO Johan Joost Herckmer in full of two Accounts for riding goods amounting to twenty three pounds five Shillings and Six pence the Sum of Seventeen pounds Eleven Shillings

To Johannes Casler for waggon hire the Sum of One pound thirteen shillings

TO John Visser for transporting goods the Sum of Eighteen Shillings

TO Harmanus Wendall for pease and other goods the Sum of twelve pounds five Shillings and Six pence

TO Thomas Schoenmaker for two Accounts for riding provisions Amounting to Seven pounds four Shillings the Sum of five pounds Eight Shillings

TO John Baptist van Eps for beef and other things the Sum of One pound Seventeen Shillings and Six pence

TO John Groesbeek in full for Duffells for Centry Coats the Sum of two pounds Eight Shillings

TO Thomas Wildman for Blankitts and other goods the Sum of five pounds Eleven Shillings and nine pence

To Harmanus Vedder in full of his Account of four pounds thirteen shillings for Paddles and Setting poles the Sum of four pounds One Shilling

TO Johannes Viesser for provisions the Sum of One pound four Shillings & Eleven pence

TO Samuel Pruin for Smiths work the Sum of two pounds thirteen Shillings.

TO Abraham Truax for Riding goods and for providing paddles and Setting poles the Sum of three pounds Eighteen Shillings and nine pence

TO Cornelius VanDycke for Medicines the Sum of three pounds nine Shillings and three pence

TO Jacobus Deuway for two Journeys one to Oswego & the other to the Carrying place with provisions the Sum of Eleven pounds thirteen Shillings

TO Coll. Myndert Schuyler for Roelef Kidneys Journey and Nails the Sum of five pounds twelve Shillings

TO Tobias Ryckman for beer the Sum of Six Shillings

TO Thomas Williams for Work done by Daniel van Antwerpen the SUM of Nine Shillings

TO Andrew Nicholls for mony disbursed by him and James Banks for provisions and other things for the use of the Troops at Oswego the Sum of Six pounds eighteen Shillings and four pence half penny

TO Lawrence Aawsen for paying two Indians for carrying Letters to Oswego the Sum of two pounds

TO Hendrick Vrooman for Cartage of goods the Sum of Nine shillings

TO Gerret Symeuse for provisions and rideing the Same the Sum of One pound one Shilling

TO Martin Beekman for Cap't Bagleys passage with his Detachment and other goods to Albany the Sum of three pounds Sixteen Shillings and nine pence

TO Evert Banker for Sundry goods and other Charges by him paid for the use of Oswego Forty pounds

TO William Barrett for his wages in making Battoo's and finding Nails for the Same the Sum of two pounds two Shillings and nine pence

TO the widdow of Cap't John Collins deceased for mony paid an Indian for carriage of Letters the Sum of two pounds fourteen Shillings

AND WHEREAS it is the true Intent and meaning of this Act to provide for the Supporting the aforesaid trading house and Subsisting the Troops posted or to be posted there for fifty two weeks as is before mentioned BE it Enacted by the Authority aforesaid that there Shall be paid by the Treasurer in the manner hereinafter mentioned the following Sums (to witt)

To the Several persons who had allowances made to them in the first mentioned Act and have not Received payment thereof the Sums of three hundred and ninety eight pounds eighteen Shillings and three pence half penny

FOR the wages and Services of two able persons that understand the Indian Language to remain at Oswego during the Winter Season a Sum not exceeding forty pounds.

FOR provisions Rum and Sugar to be furnished for the Troops at Oswego together with the Carriage thereof for fifty two weeks the following Quantities for each week that is to Say

Three and a half Skipplles of Wheat Meal

Three and a half Skipple of pease

One hundred and twenty five pound of pork

Rum and Sugar a Sum not exceeding twenty One Shillings

The whole Amounting to a Sum not exceeding the Sum of Two Hundred and Forty four pounds

TO a Doctor for One Year a Sum not exceeding fferty pounds and after that Rate for a Shorter time

FOR Incidentalls (including the Carpenter work) a Sum not exceeding Sixty pounds

WHICH Said Sums allowed for the two persons to reside at Oswego is to be paid upon a Certificate from the Commanding Officer at Oswego or from the Commissioners of Indian Affairs

And the Article of Two hundred and forty four pounds vizt Such part of the provisions and Stores as are bought at New York upon a Warrant or Warrants of the Governour in Council and Such part as is furnished in the City or County of Albany upon Certificates of the Comissioners of Indian Affairs The Wages of a Doctor upon a Certificate from the Commanding Officer at Oswego or the Commissioners of Indian Affairs and the Allowances for Incidentalls upon Certificates from the said Commissioners, And all what Shall be paid by the Treasurer in manner as aforesaid having proper Receipts upon Such Warrants or Certificates or upon the Accounts allowed in this and the first mentioned Act Shall be unto the Said Treasurer a Sufficient Discharge in the Law for Soe much as thereon Shall be Mentioned to be Received

AND to the End the Treasurer may be Enabled to make Effectual payment of the Several Sums before mentioned BE it ENACTED by the Authority aforesaid that it Shall and may be Lawfull to and for the Said Treasurer to borrow a Sum not exceeding the aforesaid Sum of Twelve Hundred and three pounds and ten pence out of mony now in his hands by VIRTUE of an Act Entituled an Act for laying an Excise on all Strong Liquors retailed in this Colony passed in the twelfth Year of her late Majestys reign and by virtue of an other Act (appropriating the Said Excise) Entituled an Act for paying and discharging the Several debts and Sums of money Claimed as debts of this

Colony to the Several persons therein named and to make and Enforce the Currency of bills of Credit to the Vallue of Twenty Seven thousand Six hundred and Eighty pounds for that purpose: Also to make void all Claims and demands made or pretended to be due from this Colony before the first day of June One thousand Seven hundred and fourteen and to prevent this Colony from being in debt for the future passed in the thirteenth Year of her Said Majestys reign any thing in the Said Acts or either of them to the Contrary hereof in any wise Notwithstanding

AND to the End the mony So to be borrowed as aforesaid may Effectually be repaid into the Treasury BE it ENACTED by the Same Authority that all and every the Sum and Sums of money which Shall be recovered and received of and from persons that have traded with the ffrench whilst it was forbid by the Laws of this Colony to trade with them and likewise all Such ffines as may arise and be Recovered by virtue of the Act herein first mentioned Shall be paid to the Treasurer of this Colony, who is hereby required and directed to repay out of the Same the money to be BORROWED by virtue of this Act and to replace the Same to the Accounts of the Said Excise for the Ends and purposes directed in the two last mentioned Acts and all the remainder to be disposed of in Such manner as by the Governour Council and General Assembly for the time being Shall be directed and Appointed by Act or Acts hereafter to be made for that purpose.

AND least any failure might happen in the Recovery of the Said Fines or Forfeitures or that they might not prove Sufficient to repay the money borrowed from the Excise BE IT ENACTED by the Authority aforesaid that the duties on Indian goods Continued by the herein first mentioned Act untill the Eighth day of January which will be in the Year One thousand Seven hundred and twenty nine Shall be and hereby is applyed and Appropriated to and for the Repayment of the money now borrowed out of the Excise in maner and for the purposes hereinbefore mentioned. And in case the Said duty's Shall not be wanted or only part thereof for making Such Repayment as aforesaid the Same or Such Overplus Shall be disposed of as by Act or Acts hereafter to be made by the Governour Council and General Assembly Shall be Ordered and Directed

AND if it Should So happen that neither the ffines and fforfeitures nor the duties aforesaid would raise mony enough WHOLLY to repay and make good the before mentioned Sum of

Twelve hundred and three pounds and ten pence to be replaced to the Accounts of the Excise according to the true intent and meaning hereof or that Said Two Fonds would only do the Same in parte on or before the first day of March next ensuing. BE it ENACTED by the Authority aforesaid that then and in Such Case and not otherwise there Shall be given and granted unto his Majesty his Heirs and Successors to and for Repayment of the beforementioned borrowed Sum or Such part thereof as Shall remain unrepaid on the Said first day of March and to and for no other use or purpose whatever, a Duty of two pence on every Gallon of Rum or other Distilled Liquors which Shall be Sent carryed or transported to the Westward of the Town of Schenectady in order or with Intent to Sell and dispose thereof to the Indians, which Said Duties on Rum Shall be and hereby is Enacted to be under the Care and Management of the Commissioners Appointed in the Act aforesaid to Secure and Collect the duties on Indian goods which are thereby Continued untill the Said eighth day of January that will be in the Said Year One thousand Seven hundred and twenty nine. And the Said Commissioners are for that purpose hereby vested with all and Singular the powers and Authoritys for Securing and Collecting the Said dutys ON Rum which they are vested with to Secure and Collect the other Duties on Indian goods.

PROVIDED that this duty on Rum or other distilled Liquors Sent and transported in manner as aforesaid Shall not Commence untill the Said first day of March next nor then if it be not wanted for the purposes aforesaid nor Shall the Same (if wanted) continue any longer than untill Such time that the aforesaid borrowed Sum (or Such part thereof as Shall remain unpaid by the means aforesaid) on the Said first day of March next Ensueing Shall be fully made good and Compleated any thing herein to the Contrary notwithstanding

PROVIDED also that Such Rum or other Distilled Liquors as are hereby made Subject and liable to the duty of two pence on every Gallon Shall be Exempted from the duty of Excise on all Strong Liquors retailed in this Colony from the Commencement of this present duty and during the Continuance thereof any former Law to the Contrary notwithstanding. And all the duties which Shall and may arise by means of the Said duties on Rum or other distilled Liquors Shall from time to time be paid by the Commissioners aforesaid unto the Treasurer of this Colony whose

Receipt for the Same Shall be unto them a Sufficient Discharge in the Law for Soe much as in Such Receipt SHALL be mentioned to be received

BE it farther ENACTED by the same Authority that of all the Several and respective Sum and Sums of money which the Said Treasurer Shall receive and pay by virtue of this Act he Shall keep Exact and Distinct Books and render Accounts thereof upon Oath to the Governour for the time being to the Council and to the General Assembly when by them or either of them thereunto required.

AND be it further ENACTED by the Authority aforesaid that it Shall and may be lawfull to and for the Said Treasurer to retain in his hands out of all the moneys he Shall receive and pay by virtue of this Act as a Reward for his trouble therein and for Rendring Accounts thereof the Sum of two Pounds & ten shillings on every hundred pounds he Shall So receive and pay and after that rate for a greater or lesser Sum

AND WHEREAS in and by the Act Entituled an Act to lay different duties on the goods therein mentioned and for regulating the Indian Trade in the City and County of Albany for the term of two Years and for Moderateing and ascertaining the Fines Incurred by former Acts if paid within the time limited in this Act passed in the twelfth year of his late Majestys reigne It was among other things Enacted that all and every THE person or persons within the City and County of Albany who at the time of the Comencement of the Said Act and at any time or times during the Continuance of the Same Shall have or have had in their possession any of the therein mentioned Goods Should and thereby were obliged at the end of every half year to render an Account of the disposition thereof to the ffarmers (now the Comissioners of that duty) upon Oath before the Mayor Recorder or any two Justices of the Peace residing within the said City and County at Albany as in and by the Said Act relation being thereunto had may more particularly appeare and it being represented that that part of the Said Act lays the Inhabitants under a great deal of Inconveniency to no purpose

BE it ENACTED by the Authority aforesaid that all that part of the Said Act which is above mentioned Shall from and after the publication of this Act be repealed and become utterly null and void any thing in the Said Act to the Contrary Notwithstanding

[CHAPTER 530.]

[Chapter 530, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344.]

An Act for raising and levying the Sum
of Two hundred pounds for Repairing the
Barracks in his Majestys Fort GEORGE in
the City of New York

[Passed, September 20, 1728.]

WHEREAS upon a Survey of the Barracks in his Majestys Fort in the City of New York they are found very much out of Repair and to defray the Charge of repairing them it is necessary to make an Extraordinary Levy for that purpose

BE it ENACTED by the Governour Council and General Assembly and by the Authority of the Same that there Shall be assessed raised and Levyed upon the Estates Real and Personal of all and every the ffreeholders Inhabitants and Residents within this Colony in Sevil Pillar or Mexico plate or bills of Credit made current in this Colony the Sum of Two Hundred pounds (Including the Collectors and Treasurers Rewards) which is hereby given and granted to his Majesty his Heirs and Successors to and for repairing the Barracks aforesaid and to and for no other use or purpose Whatever And the Said Sum is to be Assessed Collected and paid According to the Quota's and proportions following that is to say

BY the City and County of New York the Sum of fifty five pounds

BY the City and County of Albany the Sum of Thirty pounds

BY Kings County the Sum of thirteen pounds ten Shillings

BY Queens County the Sum of twenty five pounds

BY Suffolk County the Sum of Twenty two pounds

BY Richmond County the Sum of Eight pounds

BY Westchester County the Sum of fifteen pounds ten Shillings

BY Ulster County the Sum of Eighteen pounds

BY Orange County the Sum of Seven pounds and

BY Dutchess County the Sum of Six pounds

AND for the Effectual Assessing Collecting and paying the

Quota for the City and County of New York Be it ENACTED by the Authority aforesaid that the Mayor Recorder Aldermen and Commonality Shall meet on or before the first tuesday in October and then and there Issue Warrants to the Respective Assessors and Collectors in the Same manner as they are directed to do in and by an Act passed this Session Entituled an Act to raise the Sum of One hundred and Sixty Eight pounds Sixteen Shillings and five pence half penny in the City and County of New York for discharging the debts and demands therein mentioned And to take care that their Quota may effectually be gathered Collected and paid unto the Treasurer of this Colony on or before the first Tuesday in ffebruary next Ensueing And the Several Assessors and Collectors are hereby required to perform their duty herein respectively in the SAME manner as they are Enjoined to do in the aforementioned Act and it Shall and may be lawfull to and for each Such Collector to retaine in his hands nine pence on every pound he Shall Collect and pay in manner as aforesaid

AND be it farther ENACTED by the Authority aforesaid that in the City and County of Albany and in all the other Countys within this Colony their and each of their respective Quota's aforesaid Shall be raised and levyed by the Supervisors thereof or the major part of them in the Same manner and at the Same time as they raise and levy the tax for their Annual Contingent publick and necessary Charge of their respective Countys and the Same is to be Collected and gathered therewith and by the respective Collectors paid to the County Treasurer Each of which County Treasurers are out of the first money which Shall so come into his hands as aforesaid pay their respective Quota's unto the Treasurer of this Colony on or before the first day of April next Ensueing retaining out of the Same for his trouble herein Six pence on every pound and to allow to the Collectors after the rate of nine pence on every pound he or they Shall Collect and pay to him and he is hereby required to give receipts gratis to Such of the Collectors as require the Same

And to the End Materials may be bought and procured at the BEST hand and able workmen Employed in repairing the Said Barrack the General Assembly pray it may be Enacted and be it Enacted by the Authority aforesaid that Daniel Goutier Shall be the Manager for buying up and procureing of all the necessary

Materials and for Employing able workmen for the Repairs aforesaid which Said Manager is from time to time to lay before his Excellency an Account of the Materials and Workmanship necessary for the said Repairs, that his said Excellency in Council may Issue Warrant or Warrants for the Same on the Said Treasurer payable out of the money to be raised by virtue of this Act provided the Same do not exceed the Net Sum thereby Intended and for the time which the Said Manager Shall Imploy or expend in and about the matters aforesaid he Shall be allowed his usual wages and no more And he Shall be obliged to Account for the disposition of the money he is to receive in manner aforesaid to the Governour and Council, which said Accounts he Shall likewise lay before the General Assembly if they require the Same

AND be it further ENACTED by the Authority aforesaid that if the aforesaid Mayor Recorder Aldermen and Commonality of the City of New York or any of the Supervisors County Treasurers Assessors or Collectors within this Colony who are hereby required Empowered and Authorized to take effectual CARE that this Act be duly Executed according to the true Intent and meaning thereof Shall deny refuse neglect or delay to do perform and execute all or any of the dutys powers and Authorities by this Act required by him or them to be done and performed and Shall thereof be lawfully Convicted in any of his Majesties Courts of Record within this Colony he or they shall for Such or any Such Offence Suffer Such pains and penalties by fine or Imprisonment as by the discretion of the Justices of the Said Court shall be adjudged.

AND be it further Enacted by the Authority aforesaid that the Treasurer of this Colony Shall give receipts gratis to the Collectors and County Treasurers who pay mony to him by virtue of this Act and that he Shall keep exact and distinct books of what he Shall receive and pay in pursuance of this Act & be obliged to render Accounts thereof to the Governour Council and General Assembly or any of them if thereunto required. And that it Shall and may be lawfull for him to retain in his own hands Six pence on every Pound he Shall receive and pay in manner as aforesaid.

THE TWENTIETH ASSEMBLY.

Second Session.

(Begun May 5, 1729, 3 George II, John Montgomerie, Esq.,
Governor.)

[CHAPTER 531.]

[Chapter 531. of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 348. See chapter 436. Revived by chapter 580.]

An Act for Reviving an Act Entituled
an Act to Prevent Desertion from his Majes-
ties forces in the Province of New York and
for Providing Remedys for that purpose in
Cases not Provided for by the said Act.

[Passed, July 12, 1729.]

BE it Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same That one Act of Generall Assembly Entituled an Act to Prevent Desertion from his Majesties forces in the Province of New York passed in the Nineth year of his Late Majesties Reigne and Expired by its owne Limitation shall be and hereby is Revived and every Clause matter and thing therein Contained to be & Remain in full force for the terme of one year from and after the Publication of this Act and from thence to the end of the then next Sessions of the Generall Assembly any thing in the aforesaid Act or any other Act to the Contrary thereof in any wise notwithstanding.

And be it Enacted by the Authority aforesaid That during the continuance of this Act no Soldier Private Man of his Majestys Four Independant Companys in Garrison in this Province Shall be Lyable to be taken out of his Majestys Service by any Process other than for some Criminal Matter unless for a real Debt or other Just Cause of Action of ten pounds and upwards not Contracted against the Tenor of the Act revived as aforesaid, while the same was heretofore in force or while it shall hereafter be in Force, and unless before the taking out such Process or Execution not being for a Criminal matter the party or some other Person in his behalf, make affidavit before the Judge of the Court of Record or other Court out of which such Process shall Issue,

That to his knowledge the same is Justly due to the Plaintiff from the Defendant in the Action on which the Process shall Issue, or the Debt or Damages and costs amount to ten pounds at least, a Memorandum of which Oath shall be marked on the back of the Process or writt for which no fee shall be taken, and if any Person shall be arrested contrary to the Intent of this act any Judge of such Court on complaint by the party himself or by his Superiour officer may Examin into the same on Oath and discharge such Soldier so arrested contrary to the intent of this Act and may award reasonable Costs for recovery whereof he shall have like Remedy that the Plaintiff might have had for his Costs in Case Judgment had been given for him any Law usage or custom to the contrary notwithstanding. AND in order that Such Creditors may not Lose their Debts but have all Remedy for the same Saving against the Persons of the said Soljers, BE IT ENACTED that it shall and may be Lawfull for the Plaintiff to Enter his Cause in any Court and to give notice in Writing of the Cause of Action to such Soldier or to leave it at his place of Residence Desiring him to appear at such Court at a certain time to answer the said Cause of Action, at which time if the said Soldier does not appear it shall be Lawful for the Plaintiff to file a Common appearance for the Def't on Oath made of the service of the notice as aforesaid which shall Intitle the Plaintiff to proceed to Judgment, and to Execution other than against the Body of such Soldier any thing to the Contrary notwithstanding.

[CHAPTER 532.]

[Chapter 532. of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 348. See chapter 509. Expired July 1, 1730. Continued by chapter 554.]

An Act for the further Continuing the Currency of Bills of Credit Struck and Issued in the Year one thousand Seven hundred and twenty, to the Value of five thousand ounces of Plate untill the first Day of July one thousand Seven hundred and thirty.

[Passed, July 12, 1729.]

BE IT ENACTED by his Excellency the Governour the Council and the Generall Assembly, and it is hereby Enacted by the Authority of the Same, that the Bills of Credit to the Value of Five thousand Ounces of Plate, struck and Issued by Virtue of

An Act Entituled an Act for a Supply to be granted to his Ma'ty for Supporting his Government, in the Province of New York, during the time therein mentioned, and for repealing one Act of the Generall Assembly of this Province, Entituled An Act for a Supply to be granted to his Majesty for supporting his Government in the Province of New York, from the first day of July, which shall be in the Year of our Lord One thousand Seven hundred and twenty, untill the first day of July, One thousand Seven hundred and twenty-one, passed in the Seventh Year of our late sovereign Lord King George of glorious memory, Shall Continue and remain Current within this Colony in all PAYMENTS and in the Treasury untill the first day of July, which will be in the Year of our Lord, one thousand Seven hundred and thirty and from thence to the end of the then next Sessions of the Generall Assembly, any thing in the aforesaid Act or any other Act to the contrary hereof in any wise notwithstanding.

[CHAPTER 533.]

[Chapter 533, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 348. See chapter 527. Continued by chapter 548.]

An Act to Continue an Act Entituled an Act to Lett to Farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the Same Duties as distilled Liquors.

[Passed, July 12, 1729.]

WHEREAS an Act of the Generall Assembly of this Colony passed in September last Entituled an Act to let to Farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the same duties as distilled Liquors will expire by its own limitation on the first day of November in this present Year one Thousand seven Hundred & twenty nine.

BE it Enacted by his Excellency the Governour the Councill and the Generall Assembly, and it is hereby Enacted by the Authority of the same; that the above mentioned Act Entituled an Act to let to farm the Excise of strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the Same Duties as distilled Liquors, shall be and is hereby Enacted to be continued and every Clause Article

and thing therein contained to be and remain of full FORCE from the Expiration thereof, untill the first day of November, which will be in the Year of our Lord one thousand Seven hundred and thirty and no longer.

AND for avoiding Scruples which might arise concerning the time of leting the said Excise, Be it Enacted by the Same Authority that the Comissioners appointed in the aforesaid Act shall and may let to Farm the said Excise in the manner therein mentioned on any day in the Month of October next ensuing, not exceeding the twenty-ninth day thereof

[CHAPTER 534.]

[Chapter 534, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 348. Continued by chapter 577.]

An Act for the better Clearing regulating and further laying out Publick high Roads in the County of Ulster;

[Passed, July 12, 1729.]

ALTHO' all or most of the Publick highways are already laid out and ascertained in the County of Ulster, It may nevertheless be necessary to lay out other high Roads in the said County, for the Conveniency of Carriage and Travellers and whereas the doing thereof, in the manner directed in former Acts would considerably augment the Charges by reason the Commissioners appointed in those Acts often live remote from the Place where Publick Roads require to be regulated, or still to be laid out and it being conceived that the Freeholders and Inhabitants of the respective places are the properest for that purpose

BE it therefore Enacted by his Excellency the Governour the Councill and the Generall Assembly and it is hereby Enacted by the Authority of the same, that one Act of the Generall Assembly entituled an Act for the better Clearing & further laying out of highways passed in the Seventh Year of his late Majesties Reign, as likewise of one other Act entituled an Act to continue an Act of the GENERALL Assembly entituled an Act for the better clearing and further laying out of Highways, passed in the ninth Year of his said late Majestys Reign all that part & parts which in them or either of them relate to the County of Ulster shall be and hereby are Repealed and made null and void to all Intents constructions & purposes whatsoever And that from and after the Publication and during the continuance of this Act, the

persons herein after named shall be and hereby are appointed Commissioners to regulate the Highways and to lay out Such other Publick Roads as may still be necessary within the said County of Ulster, and they and each of them are hereby fully Authorized and Impowered to put in Execution the severall Services intended by this Act in such Towns and places only for which they shall be respectively named and appointed, that is to say.

FOR the Town of Kingston Col. Wessell Tenbroek, Peter Van Awken and Jan Baptist Dumond.

FOR the Town of Hurly, Aldert Rosa, Aert Van Wagenen, & Garret Newkerk.

FOR the Town of Marble Town Thomas Jansen, Thomas Cock and Peiter Contyne.

FOR the Town of Rochester Moses Depuy, Cornelius Vernoy AND Freedrick Schoonmaker.

FOR the Precinct of New Pals, Roeloff Elting, Esq'r Samuel Bovie and Solomon Haesbrook.

FOR the Precinct of Shawangongh, and the Neighborhood of the Wall Kill, Capt Zacharias Hoofman, Benjamin Smeedes and Johannis Deeker.

FOR the precinct of the Highlands Francis Harrison, Phineas Makintosh Esq'rs and Mr. Thomas Ellison.

FOR the Precinct of Wagaghkemeck Mr. Peter Gumar Benjamin Cuddebeek and Jan Van Vliet Jun'r.

AND be it Enacted by the Authority aforesaid, that the Commissioners or the Major part of them in the respective places for which they are named and appointed Comissioners are hereby Impowered and Authorized to regulate the Roads already laid out and lay out such other Publick Roads in the severall places for which they are appointed Commissioners, as to them or the Major part of them shall seem necessary and convenient, and if need be to take a review of the Roads already laid out and such of them as appear to be really Inconvenient, the said Commissioners shall and may Alter the same (provided all the Commissioners appointed for the PLACE Judge it absolutely necessary) and to lay out such other Publick ways and Roads as they or the Major part of them shall think most Convenient as well for Travellers, as for the Inhabitants of the next adjacent Towns Villages or neighbourhoods.

PROVIDED that nothing in this Act contained shall extend or be construed, to impower the Comissioners aforesaid to alter

any Road that is already commodious nor to lay out any Roads through Inclosed or Improved Lands without the consent of the Owners thereof, or paying to them the true Vallue of the lands so laid into an Highway, and if any dispute shall arise by that means the same shall be determined and the true Value set & appraised by two Justices of the Peace, and by the oaths of twelve of the principall Freeholders of the Neighbourhood, not having any Interest in the Land about which such dispute may arise the said Freeholders to be summoned by the High Sheriff of the said County, by Virtue of a Warrant to be Issued by the said two Justices for that purpose.

And if s'd Roads by the Comm'rs so laid out shall be Publick Roads, & of Publick & General benefit, then the value of such Cleared or Improved Lands through which said Roads shall be laid out shall be a Publick County charge, and the Supervisors of said County are hereby directed to allow the same together with the charge of calling a Jury their verdict & the whole proceedings thereon had, but if Roads so laid out shall be Private Roads, & for the particular conveniency of one or more Districts Townships or Neighbourhoods, then such Private Persons, Townships, Districts or Neighbourhoods requiring the same shall defray the whole charge of ye value of said cleared or improved Lands to be paid to the Person or Persons jnured and thorough whose cleared Lands such Private Road shall be laid together with the wages of the Comm'rs the charge of calling the Jury and of their verdict and of the whole proceedings thereon had.

AND be it further Enacted by the same Authority, that if any Person or Persons within the said County, do or hereafter shall without the consent of the Commissioners or the major part of them for the Town or place for which they are by this Act appointed Commissioners alter stop up or lessen any high way or Road that has been heretofore LAID out by former Commissioners according to Law, or shall hereafter be laid out by the Commissioners named in this Act such Persons so offending contrary to the meaning of this Act, shall for every such offence forfeit the sum of Forty shillings, to be recovered before any Justice of the peace upon the oath of any one Witness and levyed by Warrant from any Justice of the Peace directed to the Constable of the Town or Place where such Offence is committed by distraining the Goods and Chattles of the Offender, and the said Constable, after Six days Publick Notice is given by him of selling the said distress shall make sale thereof, and out of the produce pay the said Forfeiture & Charges and return the overplush, if

any there be to the Owner or Owners, which said forfeiture of Forty Shillings, shall be applied by the Surveyer of the Highways for and towards repairing the Publick Roads or Bridges within the Town or Precinct where Such forfeiture shall arise.

AND be it further Enacted by the Authority aforesaid, that if any Common Publick Road or Highway shall be laid through any Meadows Improved ground or Corn Feild, the breadth of the said Roads shall be left to the discretion of the Comissioners or the Major part of them for the Towns or Precincts where such Road shall run as aforesaid PROVIDED the breadth of Such Road shall not Exceed twenty foot.

AND be it further Enacted by the said Authority, that the Inhabitants of the respective Towns or Precincts by and through which any Common Publick Highways or Roads have or shall run or be hereafter ascertained or laid out, shall be and hereby are Obligated to Clear and maintain the same by cutting and stubbing up the brush and loping of the Limbs of the Trees, that hang over the said Road the breadth of two Rods, and pulling up the stones that can be moved and to carry them out of the Road, at least the breadth of one Rod, and so often as they or any of them shall have notice from any one of the Respective Commissioners, Surveyors, or Overseer's, of the Highways for the time being, they shall in their Turns either by themselves or by able Slaves or Servants, clean, levell and amend the Highways not exceeding Six days in the Year under the Penalty of three shillings for each day every Person or Persons shall neglect or refuse such Service to be levied by the Constable in each Town or Precinct, by distress and sale of Such offenders Goods and Chattles by Warrent from the Surveyors or Overseer of the Highways, for the time being in each respective Town or Precinct where such Offence shall be Committed, returning the over plush of Such sale (if any be) to the Owner or Owners the Constable BEING first paid for his pains and trouble out of the distress and Sale, as is usual in other Cases.

PROVIDED, that nothing in this Act contained shall be construed to Impower the Respective Commissioners, Surveyors or Overseer's of the Highways for the time being during the Continuance of this Act to Compell the Inhabitants of the Towns and Precincts, through which part of a Road is laid out by Virtue of an Act of Assembly, Entituled an Act for the better perfecting and compleating a Publick common Highway through the County of Ulster passed in the second Year of his Majestys

Reign, that is to say from Dennis Rallieby Juffrows hook so on to the Northward as far as the round out Creek or Common Landing, otherwise then making, that part of said Road fit for Travellers on horse back, and marking the Trees where necessary.

PROVIDED always, and it is hereby further Enacted by the Authority aforesaid, that all trees standing or lying in any Persons Land through which any Common Publick Highway or Road, is or shall be laid out, be for the proper use of the Owner or owners of the Same, but the Owners shall not hinder the Publick from making use of so much Timber which is standing or lying on that Road, as will amend the said Highway or Bridges coming through that Land

AND be it further Enacted by the Authority aforesaid that if the Overseers of the Highways and Roads shall think fit and have occasion of any Team, Cart or Waggon and a Man to manage the Same, the said Team, Cart or Waggon shall be esteemed to be for in lieu and instead of two days work of one Man, and the fine to be proportionable that is, double to the fine to be imposed for the neglect of one Person, and every working Man shall be Obliged to bring Such tools, as Spades Axes, Crows, Pickaxes, or other utensills as shall be directed by the Overseers of the Highways.

AND be it further Enacted by the said Authority that if any of the said Commissioners herein appointed shall neglect refuse or delay to put the severall Clauses in Execution which are mentioned and expressed as their Duty in this Act if thereunto required, or shall happen to dye remove out of the Town or Precinct for which he or they are appointed Commissioners, it shall and may then be Lawfull for the Justices of the Peace in the Sessions held for the said County, to appoint in his or their stead another Comissioner or Commissioners in Such Place or Places where such refusall neglect, death, or removall shall so happen & the Comissioner or Comissioners so appointed be under the same restrictions and have the SAME Powers and Authoritys, as those named and appointed by this Act.

AND be it further Enacted by the Authority aforesaid, that the Commissioners of each respective Town or Precinct for which they are respectively appointed shall from time to time during the Continuance of this Act enter in writing all the Highways or Roads by them laid out, altered or stopt up and sign the same by puting their name thereto, and Cause the same to be entered in the County Record, by the Clerk of the Peace, who is hereby

directed and required to record the same and whatsoever the said Commissioners shall do according to the Powers given them in this Act being so entered in the County Records, shall be deemed valid and good to all Intents & purposes whatsoever.

AND be it further Enacted by the same Authority that each Commissioner appointed or to be appointed by Virtue of this Act shall have take and receive a Sum not Exceeding Six Shillings each day, as a reward for his or their Care and trouble in laying out or regulating the Highways in the Respective Towns and Precincts for which they are severally appointed.

AND be it further Enacted by the authority aforesaid that upon the Ordering of any one or more of the Justices of the Peace or any one or more of the Commissioners within the Town or Precinct for which he or they are appointed as aforesaid, the Surveyor or Surveyors of the Town or Precinct shall within eight days thereafter warn and sett At work the Respective Inhabitants to mend and repair the Kings Roads & Bridges which by Law and Custom they are Obliged to repair, and if any of the Surveyors shall neglect or refuse to warn and sett at work the Inhabitants as aforesaid and see the said Roads Bridges and Highways, amended and repaired such Surveyor or Surveyors shall forever Such neglect or refusall forfeit and pay a fine of forty shillings to be adjudged by and recovered before any one of his Majesties Justices of the Peace of the County upon the oath of any one witness or on the view of Such Justice or on the view of any one of the Commissioners within his or their district in the common or usual method w'ch fine shall be applyed towards repairing the said Highways in such Town or Precinct wherein the fine did arise.

AND be it further Enacted by the Authority aforesaid that all Waggons, Carts or other Carriages which shall be used in ANY of the Highways in the County of Ulster shall be so made that the space between the Rut or Tract which they Shall make shall be from the outside of the wheel to the outside of the other Wheel four foot and ten Inches English measure, and no more or no less, upon the penalty of twenty shillings Current money of this Province to be recovered before any of his Majestys Justices of the Peace, where the fact shall happen to be Comitted, at the suit and to the proffit of him or them that shall Inform and sue for the same.

Provided that all Persons Subjected by this Act to any of the Penaltys or forfeitures on Default therein mentioned shall be

Legally Summoned to appear and be heard before Judgment given

AND provided always and it is hereby further Enacted by the Authority aforesaid that where the Inhabitants of a Small Neighbourhood or Plantations should desire to have a Publick Road laid out the Comissioners aforesaid shall not be allowed to lay out Such and so many Roads as the said Inhabitants should be desirous to have, but only one Publick way leading from such Neighbourhood to the nearest Publick or high Road from whence they can Travell or Trasport goods to other Towns or landing places and where it shall be necessary to lay out a Road from one district as they are in this Act Joyned to one other District the Comissioners of both Towns, Precincts or Places are to meet and Consult where such Road can be laid in the best and straightest manner and to lay out the SAME accordingly, to the end such Roads may not only Correspond with each other, but be laid out and carried on in the most convenient and shortest manner, the nature of the Land will allow. This Act to be in force for three Years, from the Publication of this Act, and from thence untill the end of the then next Sessions of the General Assembly.

[CHAPTER 535.]

[Chapter 535, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. See chapter 488. Continued by chapter 679.]

An Act to Continue an Act Entituled an Act to Impower the Justices of the Peace of the County of Albany liveing or dwelling in the Township of Schanactade in the Said County to Regulate the Streets and Highways and to Prevent Accidents by fire in the Said Town

[Passed, July 12, 1729.]

WHEREAS an Act Entituled an Act to Impower the Justices of the Peace of the County of Albany liveing or Dwelling in the Township of Schanactade in the Said County, to regulate the Streets and highways and to prevent Accidents by fire in the said Town, pased in the thirteenth year of his late Majesties Reign, will Expire by its own limitation in this Present year, one thousand Seven hundred and Twenty nine, and the same haveing been found by Experience to be very usefull and Beneficial in the said Town. BE it therefore Enacted by his Excellency the

Governour Councill and General Assembly of this Collony and it is hereby Enacted by the Authority of the Same that the above mentioned Act Entituled an Act to Impower the Justices of the Peace of the County of Albany liveing or dwelling in the Township of Schanactade in the said County to regulate the Streets and Highways and to prevent accidents by fire in the Said Town shall be and is hereby Enacted to be Continued and of force And every Clause Article and thing therein Contained from the Expiration thereof untill the Tenth Day of July which will be in the year of our Lord one thousand Seven hundred and thirty five and from thence to the end of the next Session of the Generall Assembly and no Longer.

[CHAPTER 536.]

[Chapter 536, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. See chapter 471. Expired July 24, 1732. Provided for by chapter 575.]

An Act for the further Continuing an Act entituled, an Act for the further laying out Regulating and better Clearing Publick Highways in the County of Suffolk.

[Passed, July 12, 1729.]

WHEREAS one Act of General Assembly of this Colony, Passed in the Tenth Year of his Majesties Reign, entituled, an Act for the further Laying out Regulating and Clearing Publick Highways in the County of Suffolk, was by one other Act Passed in the Twelfth year of his Said late Majesties Reign, continued untill the Twenty fourth day of July, in this present Year, One Thousand Seven Hundred and Twenty Nine, and the aforesaid Acts having been found to be very beneficial and Useful in the said County. Be it Enacted by his Excellency the Governour, Council and General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, That the before mentioned Act, entituled, an Act for the further Laying out Regulating & better Clearing Publick Highways in the County of Suffolk Shal be & is hereby Enacted to be of Force, from the said Twenty fourth day of July next ensuing until the Twenty fourth day of July which wilbe in the year of our Lord Christ, One Thousand, Seven Hundred & Thirty two, in as full & Ample Manner, to all Intents Constructions, & purposes, as if the said Act & every Article, Clause & thing therein Contained; had particularly & at large been incerted in the Body of this Act.

[CHAPTER 537.]

[Chapter 537, of Livingston & Smith and Van Schaack, where the act is printed in full. This act is not in Bradford, 1732 ed.]

An Act to Acertain the Allowance to the
Representatives for the County of Suffolk and
for other purposes therein mentioned.

[Passed, July 12, 1729.]

WHEREAS there hath of late been some disputes among the Supervisors of said County both as to the Place of their meetings & also the allowance for the Representatives of said County therefore for the preventing mistakes of the like nature for the future.

BE IT ENACTED by the Governour Councill and General Assembly and it is hereby Enacted by the Authority of the same that the Place and time of the Supervisors meeting for ever hereafter shall be at the County House on the last Tuesday in the Month of Octob'r in every Year, and at such other times as the Major part of them shall Judge necessary and Convenient, and that the reward for each Representative of the said County for their Service in Generall Assembly shall be nine shillings per Diem for so many days as is mentioned in their Certificates and Travelling days in the Year One thousand seven hund And twenty eight and in this present Year one thousand seven hundred twenty nine and that shall for EVER hereafter be mentioned in their Certificates and Journy days not exceeding six days for comeing and the like for going to be levied raised Collected and paid in the same manner and under the same regulations pains, Penalties Restrictions and Injunctions as in an Act entituled an Act for the better explaining and more effectual puting in Execution an Act of Generall Assembly made in the third Year of the reign of their late Majestys King William and Queen Mary Entituled an Act for defraying of the Publick and necessary Charge throughout this Province and for maintaining the Poor and preventing Vagabonds. AND be it further Enacted by the same Authority that so much of the said Act herein last mentioned as relates to the Time of the meeting of the Supervisors for the County of Suffolk be and is hereby Repealed Vacated and made Null and void to all intents constructions and purposes whatsoever

AND be it further Enacted by the Authority aforesaid that

the Supervisors wages for their trouble and pains in doing and performing the Duties and services required of them (Except their Expences at the Place of their meeting) shall be raised and paid to each of them by each respective Town Mannor and Precinct for whom they are Supervisors in the same manner and under the Same REGULATIONS as the other Publick Charge in each respective Town Mannor or Precinct is paid.

AND BE IT FURTHER ENACTED by the same Authority that from and after the Publication of this Act it shall and may be Lawfull for the Inhabitants of Shelter Island in the County of Suffolk and they are hereby Impowered and required annually on the first Tuesday in the Month of Aprill to Elect and Chuse among them, two Assessors & a Collector to Assess and Collect such Taxes as shall be now or hereafter laid or Imposed on them and a Constable and Supervisor for keeping the Peace and Auditing their Publick Accounts at the time the County of Suffolk shall do by Virtue of this Act

[CHAPTER 538.]

[Chapter 538, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Naturalizing Johan Fredrick
Gunter Philip Jacob Bomper Junior Jaques
Gabriel Buvelot Michael Cario, Samuel
Myers, David Hays and Judah Hays.

[Passed, July 12, 1729.]

WHEREAS Johan Fredrick Gunter Philip Jacob Bomper Jun'r Jaques Gabriel Buvelot Michael Cario Samuel Myers David Hays & Judah Hays being Persons borne in foreign Countrys have by their humble Petitions presented to the Generall Assembly of the Colony of New York desired that they may be Naturalized and become his Majestys leige Subjects within the said Colony.

BE IT ENACTED by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the same that the said Johan Fredrick Gunter Philip Jacob Bomper Jaques Gabriel Buvelot Michael Cario Samuel Myer David Hays & Judah Hays are hereby declared to be Naturalized to all intents constructions and purposes whatsoever and from hence forth and at all times hereafter shall be Entituled to have

and Enjoy all the rights Liberties, Priviledges, & Advantages which his Majestys, Natural born Subjects in the said Colony ought to have and Enjoy as fully to all INTENTS and purposes whatsoever as if the said Johan Fredrick Gunter Phillip Jacob Bomper Jaques Gabriel Buvelot, Michael Cario Samuel Myers David Hays and Judah Hays had been Borne within his Majestys Colony of New York, PROVIDED always and it is hereby Enacted, That the said Johan Fredrick Gunter Phillip Jacob Bomper Jaques Gabriel Buvelot Michael Cario Samuel Myers David Hays and Judah Hays, shall take the Oaths appointed by Law Instead of the Oaths of Allegiance & supremacy Subscribe the Test and make repeat Swear to and Subscribe the Abjuration Oath in any of his Majestys Courts of Record within this Colony w'ch the said Court are hereby required upon Application to them made to Administer and take Subscribtions & Cause ye Names of the Persons so swearing and Subscribing to be Entered upon Record in the said Court, for which each and every of the said Persons are hereby required to pay the severall Sums hereunder mentioned That is to say, to the Speaker of the Generall Assembly, Ten Shillings, to the Judge of the Court Six Shillings, and to the Clerk three Shillings.

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the said Persons haveing so sworne & subscribed AS aforesaid shall and do Demand a Certificate of his or their being entered upon Record in manner aforesaid, the said Courts are hereby directed and required to Grant the same under the hand of the Judge and Seale of the said Court in which the said Johan Fredrick Gunter Philip Jacob Bomper Jaques Gabriel Buvelot, Michael Cario Samuel Myers David Hays or Judah Hays shall so swear and Subscribe as aforesaid Countersigned by the Clerk of the said Court for which Certificate each of them shall pay over and above the sum before mentioned Six shillings one half to the Judge of the said Court and the other half to the Clerk thereof which said Certificate shall at all times be a Sufficient proof of the said Johan Fredrick Gunter Philip Jacob Bomper Jaques Gabriel Buvelot, Michael Cario Samuel Myers David Hays & Judah Hays his or their being Naturalized by this Act in as full and Effectual a manner as if the Records aforesaid was actually produced by the said Johan Fredrick Gunter Phillip Jacob Bomper Jaques Gabriel Buvelot Michael Cario Samuel Myers, David Hays and Judah Hays or any of them, PROVIDED nevertheless that such of the above named Persons as shall and do not

take the oaths Test and adjuration in the manner herein before directed, within SIX Months after the Publication hereof shall have no benefit by this Act any thing therein Contained to the contrary notwithstanding. And whereas the following words are contained in the latter part of the Oath of Abjuration Viz't: [upon the true faith of a Christian] Be it further Enacted by the Authority aforesaid that whenever any of his Majestys Subjects professing the Jewish Religion shall present himself to take the said Oath of Abjuration in persuance of this present Act the said words [upon the true faith of a Christian] shall be omitted out of the said Oath in Administering the same to such Person and the taking the said Oath by such Person professing the Jewish Religion without the words aforesaid in like manner as Jews are to be admitted to be sworn to give evidence in Courts of Justice shall be deemed to be a Sufficient taking of the Abjuration Oath within the meaning of this Act.

[CHAPTER 539.]

[Chapter 539, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. Continued by chapter 629.]

An Act for the better Clearing Regulating and further laying out Publick High Roads in the City and County of Albany

[Passed, July 12, 1729.]

ALTHO' all or most of the Publick Highways are already laid out and ascertain'd in the City and County of Albany it may nevertheless be necessary to lay out some other High Roads in the said City and County for the Conveniency of Carriage and Travellers and whereas the doing thereof in the manner directed in former Acts would Considerably augment the annual County Charges by reason the Commissioners appointed in those Acts often live remote from the Place where Publick Roads require to be regulated or still to be laid out and it being conceived that the Freeholders and Inhabitants of Such Places are the properest for that purpose because they will not be under a necessity of Travelling far and moreover best acquainted with the Circumstances and nature of the Land through which Publick Roads Run or ought still to be laid out.

BE it therefore Enacted by his Excellency the Governour THE Council and the Generall Assembly and it is hereby Enacted by

the Authority of the same, that all Acts relating the Clearing and further or better laying out of High Ways so far as they relate to the City and County of Albany shall be and hereby are repealed and made nul and void to all Intents Constructions and purposes whatsoever and that from and after the Publication and during the Continuance of this Act the Persons herein after named shall be and hereby are apointed Commissioners to regulate High Ways, and to lay out such other Publick Roads as may still be necessary within the said City and County and they and each of them are hereby fully Authorized and Impowered to put in Execution the severall Services intended by this Act in such Towns Mannors and Places only for which they shall be respectively named and appointed that is to say.

FOR the Mannor of Livingston from the Southermost bounds thereof, unto the Bounds of Claverack in the said County Jacob Vossburgh, Esq'r Mr Johannis Spoor and Mr Jacob Schever.

FOR Clavereck above said from the Southermost Bounds thereof to the bounds of Kinder Hook in the said County Mr. Samuel ten Broek, Isaac Van Dueson and Casper Van Hoesen.

FOR Kinder Hook in the said County from the BOUNDS thereof through the Woods to Green Bush including all the Inhabitants along the Road altho' they belong to the Mannor of RenslarsWyck Mr. Stephanus Van Allen Burger Huygh & Leendert Conyn.

FOR the east side of the Mannor of RensalarsWyck to and from the Southermost Inhabitants of Scotack to Green Bush aforesaid along the River side Mr. Johannis Beekman Maes van Beuren and Johannes van Veghten.

FOR Schagkook to the House of Cornelius Van Nes Johannis Knickerbacker Louwis Viele and Derick Van Veghte.

FOR Saragtoge on the West Side to the House of Jacob Van Der Heyden, Phillip Schuyler, Gerret Ridder and Cornelius Van Beuren.

FOR the half Moon and the North part of the Mannor of Renselaers Wyck on the West side of the River to the City of Albany Jacobus Schoonhoven, Anthony Van Schaick Jun'r and Peter Schuyler.

From the Sawyers Creek being the Southermost Bounds of the County of Albany on the West side of Hudsens River to the Southermost Bounds of the Manner of Renselaers Wyck, Martin Van Bergen Myndert Schutt and Peter Bronck.

FROM the Southermost Bounds of the Mannor of Renselaers

Wyck on the West side of Hutsons River to the Bounds of the City of Albany, Peter Coyman Renslar Nicholl and Daniel Winne.

FOR the Road or Highway which leads from the City of Albany towards Schanegtade untill the first Sandy Hill being about two English Miles from the said City commonly called the Eerste Sanbergh the Mayor Recorder and Aldermen of the City of Albany for the time being.

FOR the Township of Schenegtade as far as the said Township Extends, and the Road which leads to Albany to a Place Commonly called ye Eerste Sand Bergh about two miles from Albany Jan Wemp and Arent Bradt Esq'r Evert Van Eps Jan Danielse and Jacob Glen.

FROM Cannistigejone to the City of Albany Clase Van Vranke Jacob Peerse and Eldert Tymesse.

FROM Niskiutha to the North side of the Normans Kill, Johannis Apple Cornel's Slingerlandt & Wouter Van Der Zee.

FROM Skohare to Schenegtade Road Peter Vroman Thomas Akerson Johan Peter Kniskerne Johannes Lawyer and Johannes Vedder

FROM Towerjoene being the westermost bounds of the Township of Schenegtade so along both sides of the River to Koghnewage Creek Symon Groot Edward Collins and Joseph Clement.

From the said Koghnewage Creek for both Sides of the River as far as the Christian Settlements now are or hereafter shall be settled, Jan Joost Petric, Johan Jury Kass Jacob Timmerman, Jacob Weever and Cornelius Van Aelstyn. Which said Commissioners, in each District or the major part of them shall have full Power and Authority to apportion layout and fix how far each Precinct or Neighbourhood shall repair and mend the said Highways where they are to begin and where to leave off.

AND be it Enacted by the Authority aforesaid that the Commissioners or the major part of them in the respective places for which they are named and appointed Commissioners are hereby Impowered and Authorized to Regulate the Roads already laid out and lay out such other Publick Roads in the severall Places for which they are appointed Commissioners as to them or the major part of them shall seem necessary and Convenient and if need be to take a review of the Roads already laid out and such of them as appear to be really Inconvenient the said Comissioners shall and may alter the same provided all the Commissioners appointed for the place Judge it ABSOLUTELY necessary and to lay out such other Publick ways and Roads as

they or the major part of them shall think most Convenient as well for Travellers as for the Inhabitants of the next adjacent Towns Villages or Neighbourhoods.

PROVIDED that nothing in this act contained shall extend or be construed to empower the Commissioners aforesaid, to Alter any Road that is already commodious nor to lay out any Roads through Inclosed or Improved Lands without either the Consent of the Owners thereof or paying to them the true Value of the Lands so laid into an Highway and if any dispute shall arise by that means the same shall be determined and the true Value set and appraised by two Justices of the Peace and by the Oaths of twelve of the Principall Freeholders of the Neighbourhood not haveing any Interest in the Land about which such dispute may arise, the said Freeholders to be summoned by any one of the Constables of each respective Town, Mannor or Precinct, by Virtue of a Warrant to be Issued by the said two Justices for that purpose.

And if the said Roads by the Comm'rs so laid out shall be Publick Roads, and of Publick and General benefit, then the value of such Cleared or Improved Lands through which the said Roads shall be laid out, shall be a Publick County charge, and the Supervisors of the said County are hereby Directed to allow the same together with the charge of calling a Jury their verdict and the whole proceedings thereon had, but if the Roads so laid out shall be private Roads and for the particular conveniency of one or more Districts Townships or Neighbourhoods, Then Such Private Persons Townships, Districts or Neighbourhoods requiring the same shall Defray the whole charge of the value of the said Cleared or Improved Lands to be Paid to the Person or Persons through whose cleared Lands such Private Roads shall be laid together with the wages of the Comm'rs the charge of calling the Jury and of their verdict and of the whole proceedings thereon had.

AND be it further Enacted by the Authority aforesaid that the Justices of the Peace of the Precincts of Skohare or any of them are hereby Impowered to order such a number of Persons with their Slays and horses as they or any one of the said Justices shall THINK Sufficient and proper to break up the Road when Snows happen to fall in the Winter time, from Skohare aforesaid to a place called the Ver Bergh, and if any Person or Persons, being warned by the Constable of the aforesaid Precinct, by order of the said Justice or Justices, shall refuse to breake up the said

Road such Person or Persons shall forfeit the Sum of nine shillings for every day they shall so neglect or refuse to be levied by Warrant of any Justice of Peace living within the Precinct aforesaid, which forfeiture shall be applyed for the use of the said Road and also that all Waggon, Carts or other Carriage which shall be used in any of the Highways in the County of Albany shall be so made that the Space between the Rut or Tract which they shall make, shall be from the outside of the Wheel to the outside of the other Wheel, four foot and ten Inches English measure and no more or no less upon the Penalty of twenty shillings current money of this Province to be recovered before any of his Majestys Justices of the Peace where the fact shall happen to be Comitted at the Suit and to the proffit of him or them that shall inform and sue for the same.

AND be it further Enacted by the same Authority that if any Person or Persons within the said City and County do or hereafter shall without the consent of the Commissioners or the MAJOR part of them for the Town Mannor or Place for which they are by this Act appointed^r Commissioners alter Stop up or lessen any High way or Road that has been hereto fore laid out by former Commissioners according to Law or, shall be hereafter laid out by the Commissioners named in this Act, Such Person so Offending Contrary to the meaning of this Act shall forever such offence forfeit the Sum of Forty shillings to be recovered before any Justice of the Peace upon the Oath of any one Witness and levied by Warrant from any Justice of the peace directed to the Constable of the Town Mannor or Precinct where such Offence is Committed by distraining the Goods and Chattelles of the Offender and the said Constable after Six days Publick notice is given by him of the Sale of said distress shall make sale thereof and out of the produce pay the said forfeiture and Charges and return the overplush if any there be to the Owner or Owners which said forfeiture of Forty shillings shall be applyed by the Surveyors of the Highways for and towards repairing the Publick Roads or Bridges within the Precinct where such forfeiture shall arise

AND be it further Enacted by the Authority aforesaid that if any common Publick Road or Highway shall be laid through any Meadow Improved Ground or Cornfields the breadth of the SAID Road shall be left to the discretion of the Commissioners or the major part of them for the Towns Mannors or Places where such

Roads shall run as aforesaid, provided such Road doe not exceed twenty foot

AND be it further Enacted by the said Authority that the Inhabitants of the Respective Towns Mannors or Precincts by and through which any Common Publick Highways or Roads have or shall run or be hereafter Ascertained or laid out shall be and hereby are obliged to Clear and maintain the same by cutting and stubing up the brush and loping of the Limbs of the Trees that hand over the said Roads the breadth of two Rods and pulling up the stones that can be moved and to carry them out of the Road at least the breadth of one Rod and so often as they or any of them shall have notice from any one of the Respective Commissioners Surveyors or overseers of the Highways for the time being, they shall in their turns either by themselves or by able Slaves or Servants clean, level and amend the Highways not exceeding Six days in the Year under the penalty of three Shillings for each day every Person or Persons shall neglect or refuse such Service to be levyed by the Constable in each Town Mannor or Precinct by distress and Sale of the Offenders goods and Chattles by Warrant from the Surveyor or Overseer of the Highways OR THE Major part of them for the time being in each Respective Town Mannor or Precinct where such offence shall be Comitted returning the overplus of such sale (if any be) to the Owner or Owners the Constable being first paid for his pains and trouble out of the distress and Sale as is usual in other Cases Provided always and it is hereby further Enacted by the authority aforesaid, that all trees standing or lying in any Persons land through which any Comon Publick High way or Road is or shall be laid out, be for the proper use of the Owner or Owners of the same, but the said Owners shall not hinder the Publick from making use of so much timber which is standing or lying on that Road as will amend the said High way or Bridges coming through that land.

AND be it also Enacted by the same Authority that where any Highway from any Town or Neighbourhood to any Mills Meadows, Watering or Common Landing place shall run through any Particular Persons Ground it shall and may be Lawfull for any such Person or Persons by and with the aprobation of any two Commissioners for such Town, Mannor or Places to hang good Swinging Gates on such Highways and keep them in repair at their own Costs, PROVIDED no Road leading into or Out of any Woods, Plains or Commons where the Cattle belonging to any

Town or Viledge usually pass through to or from the Common or feeding Grounds be clog'd or hindered by any swinging Gates as aforesaid unless by the consent of the Major part of the Inhabitants of such Town or Village and the severall gates already standing and allowed may or shall be approved and continued or altered as the Comissioners herein respectively appointed shall Judge most Convenient and the same Highways shall be amended and maintained by the Inhabitants only of every Town Mannor or Precinct where Such ways may run. AND be it further Enacted by the same Authority that in Case any Person or Persons shall stake or shore open any such Gate or Gates as aforesaid or otherwise ride over or through any Lands Meadows Grounds or Cornfields to the damage of the Owners thereof Such Person or Persons shall for every such offence forfeit the Sum of Six shillings to be recovered and applyed by the Surveyors of the Highways in each respective City Town Mannor or precinct where such offence shall be Comitted towards repairing the Publick Highways or Roads and pay all such damages with the costs the Owner of the Soil or Tenant shall suffer or sustain thereby as shall be Ordered and awarded by a Justice of the Peace residing nearest to The place where such offence shall be Comitted & the determination of such Justice shall be finall and Conclusive therein. AND be it further Enacted by the Authority aforesaid that if the Overseers of the Highways & Roads shall think fit and have Occasion of any Team Cart or Waggen and a Man to manage the same the said Team Cart or Wagen shall be esteemed to be for in lieu and instead of two days work of one Man and the fine to be proportionable that is double to the fine to be imposed for the neglect of one Person and every working Man shall be Obliged to bring such tools as spades Axes Crows Pick Axes or other utensils as shall be directed by the Overseers of the Highways.

AND be it further Enacted by the said Authority that if any of the Commissioners herein appointed shall neglect refuse or delay to put the severall Clauses in Execution which are mentioned and expressed as their Duty in this Act if thereunto required or shall happen to dye or remove out of the Town Mannor or Places for w'ch he or they are appointed Commissioners it shall and may be Lawfull for the Justices of the Peace in the Sessions held for the said County to appoint in his or their stead another Commissioner or Comissioners in such Place or Places where such refusall neglect death or removall shall so happen

and the Commissioner or Commissioners SO appointed be under the same Restrictions and have the same Powers and Authoritys as those named and appointed by this Act .

AND be it further Enacted by the Authority aforesaid that the Commissioners of each respective Town Mannor Place or Places, for which they are Respectively appointed shall from time to time during the Continuance of this Act enter in writing all the Highways or Roads by them laid out altered or stopt up and sign the same by puting their Names thereto and Cause the same to be entered in the County Records by the Clerk of the Peace who is hereby directed & required to record the same and whatsoever the said Commissioners shall do according to the Powers given them in this Act being so entered in the County Record shall be deemed valid and good to all Intents and purposes whatsoever.

AND be it further Enacted by the same authority that each Commissioner appointed or to be appointed by Virtue of this Act shall have take and receive a sum not exceeding three Shillings each day as a reward for his or their care and trouble in laying out and Regulating the Highways in the respective Towns Mannors and Places for which they are severally appointed And it is hereby also provided that if the Inhabitants of Oyatuck who live to the Eastward of the manner of Livingston shall use the Road that goes from Taghkanick to the generall Landing place of said Mannor that they be Obligated to help to maintain and keep the said Road in repair as the Inhabitants of Taghkanick and Gochkomekock are obliged to do.

AND be it further Enacted by the Authority aforesaid that upon the Ordering of any one or more of the Justices of the Peace or any one or more of the Commissioners within the Town Mannor or Places for which he or they are appointed as aforesaid the Surveyor of the Town Mannor or Precinct shall and do within eight days thereafter warn and Set at work the respective Inhabitants to mend and repair the Kings Roads and Bridges which by Law and Custom they are Obligated to repair and if the Surveyor shall neglect or refuse to warn and set at work the Inhabitants aforesaid and see the said Bridges and Highways amended and repaired, Such Surveyor or Surveyors shall for every such neglect or refusall forfeit and pay a fine of forty shillings to be adjudged by and recovered before any one Justice of the Peace of the said County upon the oath of any one Witness

or on the View of Such Justice or on the View of any one OF the Commissioners within his or their district in the Common and usuall method, which fine shall be applyed towards repairing the said High Ways or Roads in such Town Mannor or Precinct wherein the fine did arise Provided that all Persons Subjected by this Act to any of the Penaltys or forfeitures on default therein mentioned shall be Legally Summoned to appear before Judgment given. PROVIDED always and it is hereby enacted by the authority aforesaid that where the Inhabitants of a small Neighbourhood of Plantations should desire to have Publick Roads laid out the Commissioners aforesaid, shall not be allowed to lay out such and so many Roads as the said Inhabitants should be desirous to have, but only one Publick way leading from such Neighbourhood to the nearest Publick or High Road from whence they can travell or Transport Goods to other Towns or Landing Places, and where it shall be necessary to lay out a Road from one District as they are in this Act joyned to another district, the Commissioners of both Towns Mannor or Places are to meet and consult where such Road can be laid in the best and Streightest mannor and to lay out the same accordingly, to the end such Roads may not only correspond with each other, but be laid out and carried on in the most convenient and shortest manner the nature of the Land will allow, this Act to be in force from the time of its PUBLICATION untill the last day of December in the Year one thousand seven hundred and Thirty five and no longer.

[CHAPTER 540.]

[Chapter 540, of Livingston & Smith and Van Schaack, where the portion of the act relating to slaves is printed. This act is not printed in Bradford, 1732 ed.]

An Act for the Effectual Recovery of the arrears of the severall Taxes and of the Excise therein mentioned; and for securing the Duties on Slaves not imported in the City of New York and for empowering the Treasurer for those purposes.

[Passed, July 12, 1729.]

WHEREAS it appears by Accounts laid before the Generall Assembly by the Treasurer of this Colony, that the severall Citys and Countys within the same, are still in arrear on the several

Taxes herein after mentioned the Respective sums following That is to say.

THE City and County of New York one thousand five hundred and fourteen Pounds, fifteen shillings and one penny.

KINGS County Thirty three Pounds seven shillings and three pence farthing.

QUEENS County four hundred and Sixty two pounds one shilling and seven pence three farthings.

SUFFOLK County One hundred pounds eight shillings and three pence half penny.

RICHMOND County One hundred twenty three pounds one Shilling and four pence half penny.

WEST CHESTER County One hundred Ninety eight Pounds Six Shillings and one penny farthing.

ULSTER County Twenty Pounds Sixteen shillings and ten pence farthing.

DUTCHES County One Pound and nine pence half penny.

ORANGE County Seventy two Pounds, Six Shillings and three farthings, Amounting in the whole to the sum of Two Thousand five hundred and twenty six Pounds three shillings and five pence three farthings arising by the Taxes laid by the severall Acts of the Generall Assembly following, as in the aforesaid Acco'ts may more particularly appear to witt.

ON An Act Entituled an Act for raising the Sum of five hundred Pounds for securing the Indians in his Majestys Interest passed in the Year One thousand seven hundred and twenty one.

ON An Act Entituled an Act for raising the sum of five hundred Pounds to Encourage and promote a Trade with the remote Nations of Indians and for secureing the five Nations of Indians in his Majestys Interest. As also the sum of Three hundred and twenty pounds, three SHILLINGS & two pence farthing advanced by the severall Persons therein named for repairing the Fortifications on the Frontiers passed in the Year one thousand Seven hundred and twenty two.

On An Act Entituled an Act for raising the quantity of three thousand ounces of Plate for the Effectual sinking and Cancelling Bills of Credit to that Value passed in the Year one thousand Seven hundred and twenty two.

On An Act Entituled An Act for raising and Levying the quantity of five thousand three hundred and fifty Ounces of Plate for the uses therein mentioned and for striking and making Bills of

Credit for that Value passed in the Year one thousand Seven hundred and twenty three.

On An Act Entituled an Act for Levying the Sum of Six thousand Six hundred and thirty pounds for the Supplying the deficiencies of his Majestys Revenue and for the severall uses and purposes therein mentioned and for making of Bills of Credit to be Issued for that Value passed in the Year one thousand seven hundred and twenty four.

And on An Act Entituled an Act granting to his Majesty the Dutys and Taxes therein mentioned for supporting his Government in the Colony of New York from the first day of July One thousand Seven hundred and twenty Six to the first day of July One thousand seven hundred and twenty nine passed in the twelfth Year of his late Majestys Reign.

AND Whereas it is Evident that the aforesaid Arrears are Occasioned either by the neglect and omission of the Respective Collectors who were Chosen or appointed together the Taxes at the Respective time and times on which the aforesaid Acts made them due & payable, Or that such Collectors have retained the money Collected by them in their own hands and perhaps converted the same to their own use. And it being both Just and necessary that such arrears should remain no longer unrecovered as well for preserving the Publick Credit of this Colony as for preventing such neglects and abuses for the future.

BE IT ENACTED by his Excellency the Governour the Council and the Generall Assembly and it is hereby Enacted by the Authority of the same that the Clerk of the Generall Assembly do within three days next and after the Publication of this Act deliver unto the Mayor of the City of New York the Treasurers Accounts how much the City is in arrear on each of the Taxes aforesaid and that the said Mayor do thereupon on or before the second Tuesday following Convene the Recorder Aldermen or the major part of them, together with the Town Clerk, in some Convenient Place and then and there Examine by the severall Assessments and the said Accounts of the aforesaid Taxes how much each Ward and what Collectors thereof are in arrear AND that the said Town Clerk do in fourteen days thereafter deliver unto the said Treasurer, an Exact list of the Names of all the Collectors as well as the sums they respectively are in arrear, on each of the Taxes aforesaid, And to the end the Justices in the Respective Counties may be the better enabled to Examine what

Towns, Mannors or Precincts and what and how much each Collector for the severall Taxes aforementioned are in arrear.

BE it Enacted by the Authority aforesaid, That the Respective Members of this House may (if they think fit) take the Treasurers Accounts so far as it relates to the Taxes of such County & deliver them with all convenient speed unto the first Justice of such County who is directed and required within twenty days after the receipt thereof to Convene the other Justices or the Major part of them Assisted by the County Clerk at a Convenient Place in such County and then and there by Comparing the said Accounts with the severall Assessments of the beforementioned Taxes Examine how much each Town, Mannor or Precinct in such County and what, and how much each Collector or Collectors thereof is in arrear, and they are hereby required to take proper measures that such Arrears be Effectually paid into the Treasury within three Months next after the Publication of THIS Act and the Clerk of such Countys are Respectively to transmit unto the said Treasurer within two Months after the Publication of this Act an Exact list of the Names of the severall Collectors that shall so be found in Arrear, together with the sum thereof.

AND be it further Enacted by the Authority aforesaid, that the severall Collectors who shall be found to be in Arrear as aforesaid their Heirs Executors or Administrators for the Respective Counties, Cities, Towns, Mannors, Liberties, Precincts and Jurisdictions within this Colony who have been Chosen or appointed to Levy and Collect all or any part of the Taxes directed to be raised in this Colony, by Virtue of all or any of the above named Acts and have not paid in the same to the Treasurer aforesaid, that all and every such Collector or Collectors their Heires, Executors or Administrators Respectively, do within three Months next and after the Publication of this Act pay unto the said Treasurer all & every part of their Arrears as aforesaid; And Whereas it has been and is still Suggested by some of the said Collectors who were to Collect all or part of the Taxes aforesaid, that some People refuse & deny to pay the sums they are Assessed & Taxed at, alledging the Warrants which impowered them to Collect the same are expired, by which means severall of the Taxes above mentioned are said to be still uncollected for removing of which BE IT FURTHER ENACTED by the same Authority that the said Warrants or any of them by which any of the said Collectors were Impowered to levy and Collect, all or

any part of the aforenamed Taxes, shall be and hereby are declared and Enacted to be of force and Effectual to all Intents and purposes for the three Months above limited, so far only as the same relate to the uncollected arrears of the aforesaid Taxes, or any of them any Law usage or Custom to the Contrary notwithstanding

AND BE IT FURTHER ENACTED by the Authority aforesaid that every Collector so found in Arrear as aforesaid Neglecting, Refusing or Delaying to pay in the said Arrears unto the Treasurer of this Colony within the time above mentioned shall be prosecuted at Law for such arrears by the said Treasurer, who is hereby strictly Enjoyned Authorized and required to sue for the same Respectively in any of his Majestys Courts in this Colony wherein no Essoyn protection or Wager of Law or any more than one Imparliance shall be allowed with full Costs of Suit and the money so to be received or recovered shall be applied according to the directions of the severall Acts by which the aforesaid Taxes were lay'd.

AND BE IT FURTHER ENACTED by the Authority aforesaid that so much of the said arrears as shall not be paid INTO the Treasury and cannot be recovered in the manner before directed shall be Assessed levy'd and Collected in the Respective Wards, Towns Mannors or Precincts wherein Such default was made and where such Collector was Chosen or appointed in the same manner, as the severall Wards in the City of New York are, in the like Cases obliged to doe by Virtue of an Act Entituled an Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quotas of all Publick Taxes, any Law usage or Custom to the Contrary notwithstanding.

AND WHEREAS Severall of the Commissioners who were by divers Acts of the Generall Assembly passed from the first day of November one Thousand seven hundred and twenty, untill the first day of November one thousand seven hundred and twenty Eight, appointed Commissioners to let to Farm the Excise on strong Liquors retail'd in ye Respective Citys and Countys within this Colony, have been remiss and negligent in paying into the Treasury what they still are in arrear on Account of the Excise for the Respective Years in which they were by the Severall Acts named Comissioners as aforesaid, notwithstanding the Penaltys in Case of failure w'ch were to be Inflicted upon them in an Act

of the Generall Assembly ENTITULED an Act for Continuing an Act, Entituled an Act appointing Comissioners to let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony and for changing some Comissioners and for recovering the arrears of Excise passed in the first Year of his present Majestys Reign.

BE IT ENACTED by the Authority aforesaid, that unless the Persons who by Virtue of Severall Acts have been appointed Commissioners of the Excise, their Heires Executors or Administrators do within three Months next after the Publication of this Act pay into the Treasury the Severall Sums or Sums of Money they Respectively stand indebted unto his Majesty on Accounts of the said Excise, that they and every of them Respectively shall be prosecuted at Law by the said Treasurer, who is hereby strictly enjoyned, authorized and required to proceed in the same manner, against each and every Commissioner or Commissioners making such default or refusal as aforesaid, as he is by this Act directed to do against the severall Collectors who are or shall be in arrear on the severall Taxes beforementioned and in Such Cases full cost are to be allowed.

AND WHEREAS Severall Negroes and other Slaves have been brought into severall parts of this Colony besides the City of NEW YORK without paying the Dutys Imposed thereon by Acts of the Generall Assembly which being a great discouragement to the fair Traders and a Lessening of the Dutys appropriated for supporting his Majestys Government in this Colony.

BE IT ENACTED by the Governour Councill & Generall Assembly and by the Authority of the same, that the Treasurer of this Colony shall and hereby is directed and Impowered to depute proper Persons in such Citys or Countys where Negroes or other slaves have been or hereafter shall be so brought in or Imported by Land or Water for recovering and receiving the Dutys to which such Negroes or other Slaves were Subject and liable by Virtue of the severall Acts then in Force. Which Dutys are to be transmitted to the Treasurer by the Respective Deputys so soon as they shall receive or recover the Same. And the said Deputys shall Respectively be Entituled to receive from the Owner or Owners of Slaves so Imported over and above the neat Duty two shillings on every Pound, And for as much as it is represented that many of the People who now own some of the

Slaves, so Imported, were Ignorant of their being Clandestinely Imported or that they were subject to a Duty.

BE IT ENACTED by the Same Authority that if the PRESENT Owners of Such Negroe shall upon a demand by the said Deputy of the Duty thereof give sufficient Sureties for paying the same at or before the Expiration of Six Months thereafter, that then and in such Case no Seizure of such Negroe or other Slave, or any process shall be made against the Owner or Owners thereof, for or by reason of such Importation as aforesaid, But if failure be made of paying such Dutys or giving Security for the payment thereof in the maner above mentioned, Then and in such Case Negroes or other Slaves so Imported as aforesaid shall be Seized and the Owners thereof proceeded against at Law, as in and by the Laws are directed which laid and Imposed the said Dutys. And whereas it is further represented that many or most of the Negroes or other Slaves for which the said Duty has hither to not been paid, were & have been Imported by Persons not residing in this Colony

BE IT ENACTED by the Authority aforesaid that when ever such Person or Persons shall be found or met with, within the limits of this Colony, and likewise such as may now or shall hereafter live within the limits of the same, they shall be subject and liable to pay double the Duty, which the present Owners shall pay for the Slave or Slaves bought of such Person to be recovered by the Party agreived with double Cost for his own use in any Court within this Colony upon AN Action of Debt or otherwise, where in no essoin protection or Wager of Law or any more than one Imparliance shall be allowed, any Law to the Contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Treasurer shall within fifteen days after the Publication of this Act depute proper Persons as he is herein enjoined and Impowered to do

BE IT ALSO ENACTED by the same Authority that in Case any of the aforesaid Collectors and Commissioners shall not pay into the Treasury what they Respectively are in arrear within the three Months hereby limited for that purpose the said Treasurer is hereby strictly Charged Required and Commanded within the fifteen Days after the Expiration of that time to Order process to be made against every such Collector or Commissioner as shall not make such payment.

[CHAPTER 541.]

[Chapter 541, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Raising and Levying the Sum of Seven hundred and thirty Pounds for the uses therein mentioned for borrowing part thereof and for Appointing an Agent at the Court of Great Britain.

[Passed, July 12, 1729.]

WHEREAS by Virtue of an Act Entituled an Act to appoint an Agent for the Colony of New York at the Court of Great Britain for the time therein mentioned passed in the thirteenth Year of his late Majestys Reign there is still owing to Peter LeHeup Esq'r. the sum of One hundred and fifty pounds for one Years Sallary as Agent at the Court of Great Britain and the sum of fifty Pounds Current money of this Colony for fees Solicitations and other necessary Charges for the Service of this Colony as in and by the above mentioned Act may more particularly and at large appear.

AND WHEREAS it's conceived that it would be of Vast advantage to this Colony and the Inhabitants thereof as well in the Encrease of their Trade and Navigation as to Enable them to Carry on a Proffitable Fishery for foreign Markets, if by an Act or a Clause in an Act of Parliament it Should be declared that salt from Europe might be freely Imported into this Colony by Brittish Ships owned and Mannèd according to Law

AND WHEREAS the Obtaining of Such a Law or a Clause in a Law will of the one hand require a sum of money to defray the FEES and Charges thereof and of the other hand an Agent to Solisset the same who at the Same time may attend all other affairs of this Colony and Act for the benefit thereof at the said Court of Great Britain. And the present Circumstances of the Colony affording no other means to Answer these good Ends and purposes then by laying an Extraordinary levy on the Inhabitants thereof.

BE IT ENACTED by the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That there Shall be Assessed Raised and Levyed upon all the Estates Real and Personal of all and every Freeholder

Inhabitant and Resident within this Colony in Sivil Pillar or Mexico Plate or Bills of Credit made Current in this Colony the Sum of Seven hundred and Thirty Pounds Current money of the said Colony which is hereby given and granted to his Majesty his Heires and Successors, to and for the uses and purposes hereinafter mentioned and to and for no other use or Purpose whatsoever. And the aforesaid Sum is to be Assessed Collected and paid according to the Quotas and Proportions following that is to Say.

By the City and County of New York the sum of three hundred and Sixty five Pounds.

By the City and County of Albany the Sum of Seventy three Pounds.

By Kings County the Sum of thirty three Pounds.

By Queens County the Sum of Sixty three Pounds.

By Suffolk County the sum of Sixty three Pounds.

By Richmond County the Sum of Nineteen Pounds.

By Westchester County the Sum of forty Pounds.

By Ulster County the sum of forty four Pounds.

By Orange County the Sum of fifteen Pounds.

And By Dutches County the sum of fifteen Pounds.

AND to the End the full Sum Intend'd to be raised by Virtue of this Act may remain Effective and Compleat Be it Enacted by the Authority aforesaid that over and above the Severall Quotas beforementioned there shall be raised Assessed Levyed and Collected the Respective Sums following that is to say.

ON the Quota for the City and County of New York the Sum of fifteen pence on every Pound, Nine pence whereof to be retained in the hands of the Severall Collectors as a reward for their Trouble in Collecting and paying the same and the remaining Six pence to the Treasurer of this Colony as a reward for receiving paying and Rendring accounts of this Tax

AND on the Quotas for the City and County of Albany and all the other Countys in this Colony the Sum of One Shilling and Nine pence on every pound whereof Nine pence to be retained in the hands of the Collectors as a reward for their Trouble in Collecting and paying the Same and Six pence THEREOF for the County Treasurer as a Reward for his trouble in receiving and Transmitting the same unto the Treasurer of this Colony and the remaining Six pence to the said Treasurer as a Reward for his Receiving paying and Rendring Accounts as aforesaid.

AND for the Effectual Assessing Collecting and paying the aforesaid Quota for the City and County of New York together with the Allowance before mentioned.

BE IT ENACTED by the Authority aforesaid That the Mayor, Recorder, Aldermen, and Comonality or the greater Number of them Shall meet on or before the first Tuesday in the Month of February next ensuing, and then and there Issue Warrants to the Respective Assessors and Collectors in the same manner as they are directed to do in and by an Act, Entituled an Act to raise the sum of one hundred and Sixty eight Pounds Sixteen Shillings and five pence half penny in the City and County of New York for Discharging the Debts and Demands therein mentioned passed in the second Year of his present Majestys Reign, And to take due and Effectual Care that the said Quota and Allowances before mentioned may Effectually be Assessed gathered and Collected and that the said Quota and what is hereby allowed to the Treasurer may be paid unto him on or before the first Tuesday in the Month of Aprill next ensuing and the Several Assessors and Collectors are hereby required to perform their Duty herein RESPECTIVELY in the same Manner as they are enjoined to doe in and by the last mentioned Act.

AND for the Effectual Assessing Collecting and paying the Respective Quotas for the City and County of Albany and all the other Countys in this Colony together with the before mentioned allowances to be Collected therewith. BE it Enacted by the Authority aforesaid that there Respective Quotas and the said allowances shall be raised and Levyed by the Respective Supervisors of each County or by the Greater Number of them in the same manner and at the same time as they raise and Levy the Tax for the annual Contingent Publick and necessary Charges of their Respective Countys and the same is to be Collected and gathered therewith and by the several Collectors paid to the County Treasurers Respectively each of which County Treasurers are out of the first money which shall so come into his hands pay the Respective Quota of their County unto the Treasurer of this Colony together with the Sum hereby allowed to him on or before the first day of Aprill next ensuing.

BE IT FARTHER ENACTED by the Authority aforesaid that out of the first money to arise by this Tax the Sum of two hundred Pounds (part of the beforementioned Seven hundred and thirty pounds) shall by the said Treasurer be Invested in a Good Bill of Exchange either from his Excellency the Governour or

some other substantial drawer at the easiest Exchange HE Can agree taking three Bills of one Tenar and Date for the same payable to the beforementioned Peter Le Heup Esq'r late Agent for this Colony at the Court of Great Britain two of which said Bills the said Treasurer is to deliver to the present Speaker of the Generall Assembly, who is hereby desired and required to transmit the same by two Several Vessells bound for London, unto the said Peter Le Heup and the other is to remain with the said Treasurer which shall be unto him a Sufficient Voucher and discharge in the Law for the said two hundred Pounds, and such Bill of Exchange as aforesaid being remitted in the manner above mentioned and paid to the said Mr Le Heup shall be in full discharge for his Salary Fees Solicitations & other necessary Charges and Expences for the Service of this Colony at the Court of Great Britain done or expend'd by him by Virtue of the Act herein first mentioned.

AND WHEREAS it is necessary for obtaining a Law for the purpose herein before mentioned, that a Sufficient Sum of money be Remitted to London before the time on which the said Parliament is like to sitt next. BE it Enacted by the Authority aforesaid That as soon as the Treasurer shall be Enabled in the Manner herein after mentioned the sum of three hundred and thirty Pounds (other part of the beforementioned Seven hundred and thirty Pounds) shall be by the said Treasurer Invested in good Bills of Exchange payable to the before named Peter Le Heup and in every thing relating to such Bills the said Treasurer and the present Speaker are to OBSERVE all and Singular the Directions mentioned in the foregoing Clause out of which Bills so to be remitted the said Peter Le Heup is to pay and defray and discharge all the Fees and Expences in Obtaining an Act or a Clause in an Act of Parliament for declaring that it shall be Lawfull to Import European Salt in this Colony in Vessells Built and Manned as aforesaid of which Fees and Expences he is to Render a Particular account and what such Charges fall Short of the said Bills of Exchange is to Remain in his hands for the use of this Colony.

AND TO THE END the said Treasurer may be Enabled to make the last mentioned Remittance in the Spediest manner.

BE IT ENACTED by the Authority aforesaid that it shall and may be Lawfull for the said Treasurer to borrow out of the money which now is or the first that shall Come into the Treasury on account of the Excise on strong Liquors a Sum not

Exceeding the aforesaid Sum of three hundred and thirty Pounds any thing in the Act Entituled an Act for laying an Excise on all strong Liquors Retailed in this Colony passed in the twelfth Year of her late Majestys Reign, or in the Act Entituled an Act for the paying and discharging the severall Debts and Sums of money Claimed as debts of this Colony to the severall Persons therein named and to make and Enforce the Currency of Bills of Credit to the Value of Twenty Seven thousand Six hundred and Eighty Pounds for that purpose also to make Void all Claims and Demands made or pretended to be due from this Colony before the first day of June One thousand Seven hundred & FOURTEEN and to prevent this Colony from being in Debt for the future to the Contrary notwithstanding.

AND to the End a proper Person may be Impowered and Enabled as well to make proper Application and Solicitations for obtaining an Act or a Clause in an Act of Parliament for the purpose herein beforementioned as to attend on his Majesty and the Ministers of state on all matters and affairs Relating to this Colony and the Interest and benefit thereof.

BE IT ENACTED by the Authority aforesaid, That the said Peter Le Heup shall be and hereby is appointed Agent for this Colony at the Court of Great Britain for the Term of One Year to Commence on the first day of January next Ensuing, And the said Peter Le Heup shall be and hereby is Vested with all and Singular the Powers be Obligated to observe the same Direction and Entituled to the same Salary and be allowed for fees and other Charges as in and by the Act herein first mentioned, Entituled an Act to appoint an Agent for the Colony of New York at the Court of Great Britain for the time therein mentioned passed in the thirteenth year of his late Majestys Reign is more particularly mentioned and directed.

BE IT FARTHER ENACTED by the Authority aforesaid that for paying and Discharging the Salary and Fees which by the foregoing Clause will become due unto the said Peter Le Heup there shall be Remitted by a Bill of Exchange in the manner and under the same DIRECTION as is herein before mentioned unto him the Sum of Two hundred Pounds Current Money of this Colony being the Remainder of the Seven hundred and thirty Pounds hereby Directed Intended and Enacted to be Raised and paid to the Treasurer of this Colony.

BE IT LIKEWISE ENACTED by the Same Authority that the hereinfirst Mentioned Sum Shall be Remitted in Manner as

aforesaid out of the first Money which shall Come into the Treasury by means of the Tax to arise by Virtue of this Act. And that the last mentioned Sum of Two hundred Pounds out of the money which shall next come into the Treasurer by means of the said Tax. And that as soon as the whole Sum by this Act Directed Intended and Enacted to be raised and paid to the Treasurer of this Colony, shall be paid unto him he shall Replace to the Account of the aforesaid Excise the before mentioned Sum of three hundred and thirty pounds which Sum being so replaced Shall be applyed as in the before mentioned Acts which laid and Appropriated the said Excise is mentioned and Directed in like manner as if the same had not been borrowed by this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid that of all the Sum and Sums to be received borrowed and Replaced by Virtue of this Act the said Treasurer shall keep Exact Books and Render Accounts thereof to the Governour Council and Generall Assembly when by them or EITHER of them thereunto Required. And that he is to have no other Sallary for the Same then the reward therein before mentioned.

[CHAPTER 542.]

[Chapter 542 of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 348. Livingston & Smith and Van Schaack say that this act was repealed by the king, December 11, 1729.]

An Act for Continuing and Enforcing the Acts therein Mentioned: For Discharging the present demands on the Trading House at Oswego by borrowing money of the Excise: for the Effectual Suport of it untill the twenty fifth day of December one thousand Seven hundred and thirty three: for Continuing Some Dutys and augmenting Others untill that time: For Regulating those Dutys and the Trade at Oswego: for the gradual repayment of Money borrowed of the Excise: And for Reducing former fines if Voluntarily paid within the time thereir Limited.

[Passed, July 12, 1729.]

WHEREAS the Trade with the more remote Nations of Indians at the Trading House at Oswego is Represented and generally allowed to be Considerabelly Encreased there since the said

House was Built and gives a fair Prospect that the Same will Augment from time to time if put under proper Regulations, and the Suporting it made more Certain than it has hither to been. And whereas some of the ways and means Intended to Reimburse the Severall Sums borrowed from the Excise both for building and Supporting the said House, have hither to been defeated and others in a great measure Eluded, its conceived Just, necessary and reasonable in the FIRST place to Enforce the Acts of Generall Assembly passed for those purposes and in the next to Provide Effectual means for discharging the present Demands on Account of the said Trading House, for the sufficient and Certain Support of it during the time herein after mentioned. For Regulating the Indian Trade there and for the Gradual repayment of the money so borrowed as aforesaid by such ways and in such manner as it has been all along declared and Intended by the legislature, For which ends and purposes.

BE IT ENACTED by his Excellency the Governour the Council and the Generall Assembly, and it is hereby Enacted by the Authority of the same That of one Act of the Generall Assembly Entituled an Act for defraying the Cost and contingent Charges of the Trading House erected at Oswego and the maintaining it during the time therein mentioned. For applying several Fonds and borrowing a Certain Sum out of the Excise for that purpose For the Effectual Recovery of Former Fines and Forfeitures, For Continuing the Different Dutys on Indian Goods during the time therein mentioned and for making good the money so to be borrowed of the Excise passed in the first Year of his present Majestys Reign all such part and Parts as relate to Former fines Penalties and Forfeitures & the recovery thereof shall be and remain of full force and Virtue to all Intents Constructions and purposes whatsoever Excepting so much thereof as by the Act herein next mentioned hath been or by this Act shall be farther altered or otherwise provided for.

AND be it likewise Enacted by the Authority aforesaid, That of one other Act Entituled an Act For confirming the Act therein mentioned with some Alterations and Additions. For Paying Provisions & other Stores and Services already furnished and done for the use of the Trading House at Oswego, and for Subsisting it during the time therein mentioned for borrowing money for those purposes and providing Fonds for the Repayment thereof, passed in the Second Year of his said Majestys Reign, all such Clauses Matters and things as relate to the afore-

said Former fines Penaltys and Forfeitures and the recovery thereof shall be and remain of full Force and Virtue to all Intents constructions and purposes whatsoever excepting so much thereof as by this Act shall be farther altered or otherwise provided for.

AND WHEREAS the last mentioned Act in relation to the recovery of the fines Penaltys and Forfeitures Incurred by the breach of the Severall Acts therein mentioned, hath not had its Effect partly by Some Scruples of the Commissioners in the same Act for that purpose appointed but Cheiffly by the wilfulness and Obstinacy of the Transgressors to Elude the payment thereof. For removing of which Scruples and preventing such Elussions for the future. BE it Enacted by the Authority aforesaid That the Commissioners named and appointed in the same Act to wit, Rutger Bleeker, Evert Wendell and Ryer Gerretsen be and remain Commissioners for Recovering of the said fines Penalties and Forfeitures, and that William HOPKINS be and remain their Clerk. And that the said Commissioners and the said Clerk, as likewise the High Sherriffe of the City and County of Albany for the time being or his Deputy or Deputys shall Severally have not only all and singular such and the like Powers and Authority be liable to the same Injunctions and Entituled to the same Rewards as in and by the said last mentioned Act was given enjoyned and allowed to them Respectively, but likewise all such as were In that behalf given by the first mentioned Act to the Mayor Recorder Aldermen Town Clerk and High Sheriff of the said City and County in as full and ample manner to all Intents Constructions and purposes whatsoever as if all those Powers Authoritys Penalties Injunctions and Rewards had been particularly and at large Incerted herein, To Comence from the Publication of this Act and to Continue during the Continuance thereof.

AND it being the more Just and Reasonable, That such Fines Penaltys and Forfeitures should be recovered from the Persons who, have Incurred the same by Trading with the French during the time it was unlawfull so to doe, because most of them acquired great Wealth by that means, whilst fair Traders making Conscience of breaking through those Laws did foregoe such advantages, and the money which was Justly Expected to arise thereby, being Intended for discharging of Debts and repayment of money borrowed to build and Suport the Trading

Houses at Oswego, and in Case the aforesaid Transgressors should escape payment of the fines Penalties and FORFEITURES to which former Laws made them liable, great part of the burden to make it good again might lye on Innocent Persons.

BE IT THEREFORE ENACTED by the Authority aforesaid that as soon as this Act is Printed the Clerk of the Council or his Deputy, shall send five Attested Coppys thereof unto the said Commissioners, one for each of them one for the Clerk and another for the High Sheriff.

BE IT FARTHER ENACTED by the Same Authority, that within fourteen days after the Commissioners aforesaid shall have received the said Copys they or any two of them as likewise their Clerk shall meet and Convene in such manner as in and by the two aforesaid Acts or one of them in that behalf is directed, and then and there Respectively take the Oath in the last mentioned Act, prescribed for the due Execution of their Office Respectively, and make entry thereof in two such Books as in and by the before mentioned Acts is directed, which they are hereby required to prepare and keep according to the directions of the said Acts; And in as much as the said Commissioners have already taken the Oath in former Acts prescribed to be taken by Persons Suspected to have Traded with the Subjects of the French King Contrary to the Laws of this Colony, so they ought and hereby are Excused from taking the same over again. And all other Persons who have already taken the said oath before them, both as to the Northward & Westward shall likewise be excused from taking the same again, as in Justice they ought to be. And every other PERSON shall be allowed to take the same with the acception mentioned in the said Act passed in the second Year of his Majestys Reign.

AND WHEREAS David Van Dyck has by his humble Peticon presented to the Generall Assembly set forth that he cannot in conscience take the Oaths herein beforementioned unless the words [Treated or Bargained] were left out of the Oath herein beforementioned. BE it Enacted by the Authority aforesaid, that it shall and may be Lawfull for the said Commissioners or any two of them to allow unto the said David Van Dyck in the taking of the before mentioned Oaths, to omit and leave out the said words; [Treated or bargain'd] and upon his taking the same with that omission, he shall thereupon be fully acquitted and discharged off and from the fines Penalties and forfeitures

herein, or in the aforesaid Act mentioned, The said Acts or this Act to the Contrary notwithstanding.

AND WHEREAS it is Represented to the said Generall Assembly, That Johannes Cuyler Junior and Volkert Oothout have Traded to the Westward upon a Suposition that the Prohibition was Expired tho' it was not untill four days thereafter, and that their said Trade was but for an Inconsiderable Value, BE it Enacted by the Authority aforesaid that if the said Johannes Cuyler, and the said Volkert Oothout, shall each of them or any Body in their behalf Voluntarily pay into the Treasury the sume of Forty five pounds Current money of this Colony within fifty DAYS after the Publication of this Act, the said Johannes Cuyler and the said Volkert Oothout or Such of them as shall make such payment or cause it to be made within the time above limited shall thereupon be fully acquitted and Discharged of and from the Fines Penalties and Forfeitures to which they were Liable for having Traded to the West Ward Contrary to the Laws of this Colony any thing in this Act or the before mentioned Acts to the Contrary hereof in any wise notwithstanding.

AND WHEREAS its farther Represented that Jeremiah Schuyler has already Voluntarily paid into the Treasury the Sum of Thirty pounds for having Traded with the French Contrary to the Laws of this Colony and that he has carried on no such other Trade, but what he has suffered a considerable loss By. BE it Enacted by the Authority aforesaid that if the said Jeremiah Schuyler or any other Person in his behalf shall Voluntarily pay unto the Treasurer of this Colony the sum of Forty five pounds Current money aforesaid within fifty days after the Publication of this Act the said Jeremiah Schuyler shall upon such payment within the time above limited be absolutely acquitted and discharged of & from the fines Penalties and Forfeitures for having so Trading Contrary to the Laws of this Colony, any thing in this Act or the beforementioned Acts to the Contrary hereof in any wise notwithstanding.

AND BE IT FARTHER ENACTED by the same Authority that the said Treasurer upon such payments as aforesaid shall give receipts GRATIS to the above named Johannes Cuyler Junior, Jeremiah Schuyler and Volkert Oothout or to Such of them by whom or for whom such payment shall be made, which receipts they are Respectively Obligated to produce to the said Commissioners or one of them, who are to Cause the same to be

entered in the aforesaid two Books. And against such of the above named Persons as it shall by such receipt appear to have been paid into the Treasury the beforementioned Sum of Forty five pounds, no summons shall be Issued or any other procedure had for or by reason of having Traded in the manner before mentioned any thing in this Act or the Acts therein mentioned to the Contrary thereof notwithstanding.

AND altho' the Legislature did by former Acts moderate the fines Penalties and Forfeitures incurred by Severall other Persons for their having Traded with the French whilst it was unlawfull so to do, And that they cannot reasonably expect to be Entitled to any other favour, because they have Slighted the Lenity of the Legislature and still stand in defiance of the severall Acts passed for recovery of the said fines Penalties and Forfeitures. Yet for as much as it may both ease the said Transgressors and be a means to restore a good Harmony among the People residing in the County of Albany. Be it Enacted by the Authority aforesaid that so many of the said Transgressors as by former Laws stand and are liable to the sum of One hundred pounds for having so Traded Contrary to the Laws of this Colony as shall Voluntarily pay or Cause to be paid to the Treasurer of the said Colony within Fifty Days after the PUBLICATION of this Act the sum of Sixty pounds Current money of New York every Such Person making such payment within the time above limited shall thereupon be fully acquitted and discharged of and from the fines Penalties and forfeitures to which they were Subject and liable in maner as aforesaid And all Such of the said Offenders who Stand and are Subject and liable by the Laws aforesaid to the Sum of three hundred Pounds for having Traded contrary to Law as shall Voluntarily pay or Cause to be paid unto the said Treasurer the sum of One hundred and Eighty pounds money aforesaid within the time above limited every Such Person making such payment within the said time Shall thereupon be fully acquitted and discharged of and from the fines Penalties and forfeitures to which Such Person or Persons were Subject and liable by former Acts any thing in this Act or any former Acts to the Contrary notwithstanding, and to each of the said Transgressors as shall make such payment Receipts shall be given in manner as aforesaid which Shall be entered and have the Same Effect as in the foregoing Clause is mentioned, But Such of the said Offenders as shall fail in making Such payment

within the time above limited shall be proceeded against by the herein before named COMMISSIONERS in Such manner as they are in this Act directed and required to do in Relation to the recovery of the aforesaid fines Penalties and Forfeitures.

BE IT FARTHER ENACTED by the Authority aforesaid That the said Commissioners shall within fourteen days after their first meeting Cause Summons's to be made out under their hands and Seales in the same manner and form as in the said Act or one of them is directed against such suspected Persons as did not appear before the said Commissioners upon their former Summons's such as appearing refused or neglected to take the before mentioned Oath or only took it in part such as the said Commissioners or either of them know Suspect or have been informed to have Traded with the French whilst it was unlawfull so to do and against such as the said Commissioners or either of them shall afterwards be Informed to have so Traded with the French requiring their appearance before the said Commissioners or any two of them by a day to be perfixt therein not less than fourteen nor more then twenty one days after the date and all such Summons's the said Commissioners or any two of them, are from time to time and within two days after the date to deliver or cause to be delivered unto the said High Sheriff who upon receipt thereof is to serve the same with all convenient Speed on the Persons therein named by delivering a Copy thereof to Such Person or Persons four days at least before the return and in Case such Person cannot be found or met with by that time then to Affix a Coppy of the said Summons three days at least before the return ON the Door of the City Hall in Albany the doing of which (where the Person cannot be found or met with as aforesaid) shall be deemed of the same Effect and as sufficient as if the same had been Served on the Person named in such summon's and all and every of the Summons which the said Commissioners or any two or them shall deliver or cause to be delivered to the said High Sheriff he is hereby required and Commanded to serve the same in manner as aforesaid and make return thereof to the said Commissioners or any two of them in which return he is particularly to mention the time when he received the same and in what manner the service thereof was performed. And such returns are from time to time to be entered by the said Clerk in the two before mentioned Books accordingly.

BE IT FURTHER ENACTED by the Authority aforesaid that all Persons appearing before the Commissioners or any two of them whether Voluntarily or upon their being Summoned and takeing the Oath appointed to be administr'd to Persons Suspected to have Traded with the Subjects of the French King by an Act Entituled an Act for the further and more Effectuall prohibiting of the selling Indian Goods to the French passed in the eighth Year of his late Majestys Reign only with the alteration mentioned in the herein first mentioned Act passed in the first Year of his said Majestys Reign every such Person shall thereupon be fully acquitted and discharged from the aforesaid Fine Penalty and Forfeiture provided such Person or Persons doe so appear and swear at or before the Expiration of the time to be prefixed for the Return of the third and LAST summons but not after.

BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners or any two of them shall Issue a second or third Summons against all such Person or Persons as do not appear upon the first, provided the time between each summons be not less then fourteen days or more then twenty eight and for these and all other the Purposes by this Act Intended to be performed by the said Commissioners it shall be Lawfull for them to adjourn from time to time provided no such adjournment exceed the Number of twenty one days and in all other matters relating to the said Fines Penalties and Forfeitures and the Recovery thereof the aforesaid Commissioners Clerk and High Sheriff being Invested with all and Singular the Powers and Authoritys which in that behalf were given in the two before mentioned Acts as aforesaid are to govern themselves and to observe follow and perform the several directions which by the said first mentioned Act were given to the Mayor Recorder Aldermen Town Clerk and High Sheriff of the City and County of Albany aforesaid, and in the second Act to the Commissioners Clerk and High Sheriff to all Intents constructions and purposes whatsoever saving only in relation to the Times therein mentioned instead of which they are to govern and conform themselves according to the times on this present Act mentioned

BE IT FARTHER ENACTED by the Authority aforesaid that all such Person or Persons Suspected to have Traded with the Subjects of the French King Contrary to the Laws of this Colony and haveing been summoned in the maner beforementioned as shall not appear before the said Comissioners at or before the

EXPIRATION of the time to be Prefixt in the third and last Summons (whether they are in the said County or withdrawn out of it) and likewise all such as shall upon their appearing before the said Commissioners either upon the first Second or third Sumons refuse delay or neglect to take the oath aforesaid, in the manner before mentioned, every Such Person and Persons not appearing or not Swearing shall be adjudged Convict of having Traded with the French Contrary to the Laws of this Colony and be subject and liable to the fines Penalties and Forfeitures mentioned and described in the said first mentioned Act, And a distinct Record is to be made thereof in the before mentioned two Books accordingly in which are likewise to be entered the Names of such as appear'd and discharged themselves by taking the oath beforementioned, as likewise all other the proceedings of the said Commissioners in Relation to the aforesaid Fines, Penalties and Forfeitures and the recovery thereof.

BE IT FARTHER ENACTED by the same Authority that the aforesaid Commissioners or any two of them shall and hereby are required within one Month after any of the said Persons adjudged Convict in either of the manners before mentioned to Issue their Warrant or Warrants under their or any two of their hands and Seals against all and every Person and Persons who shall so be adjudged Convict In which Warrant or Warrants the manner of such Conviction being first Sett forth they or any two of them are by Virtue of this Act to require and Command the high Sheriff of the said City and County of Albany for the time being or his Deputy to Seize on the Goods Chattles and the Real Estates of the Person or Persons so adjudged CONVICT as aforesaid and to make Sale thereof in the Same manner as the personal and real Estates of persons adjudged Convict by the first mentioned Act passed in the first Year of his Majestys Reign are therein directed to be Seized and Sold. And the said high Sheriff is hereby Impowered and strictly Charged and Commanded duely to Execute such Warrant or Warrants accordingly any other Law to the Contrary notwithstanding. PROVIDED that in stead of the time mentioned in the aforesaid Acts or either of them he makes such Seizure within two Months after the date of the Warrants Respectively and such sale as aforesaid in not less then two Months nor longer then three Months thereafter provided also that he give Publick Notice as in the Said Act is directed at least two Months before he makes such Sale and all

such Sale or Sales to be made by Virtue of this Act of Personal or Real Estates shall be good and Effectual in the Law against the person from whom Seized and all claiming under them and to the Purchasers and their Heirs not only as Estates which were to have been sold by the said last mentioned Act is declared and Enacted but to all other Intents and purposes whatsoever.

BE IT FARTHER ENACTED by the same Authority that in Case the Sheriff makes return in two Months from the date of any of the said Warrants That no Goods or Chattles or Real Estate Or not Sufficient can be found of Persons so Adjudged Convict as aforesaid, whereon to make Seizure in the manner above mentioned Then and in such Case the said Commissioners or any two of them are to Issue their Warrant or Warrants under their or any two of their hands and Seals directed to the said SHERIFF for apprehending Such Person or Persons of whom no Estate Real or Personall or not sufficient can be found and Committing him or them to the Common Goal of the said County where he or they are to remain w'thout Bail or Main Prize until he or they make payment of the fine which he or they shall be Subject and Liable by the Conviction in manner as aforesaid which Warrant or Warrants the said Sheriff or his Deputy is hereby Impowered and required to Execute accordingly.

AND WHEREAS it may so happen that some of the Persons so adjudged convict as aforesaid have withdrawn or may withdraw from the City and County of Albany. BE it Enacted by the Authority aforesaid that all and every such Person shall and may be proceeded against by the Attorney Generall in the Supream Court of this Colony if to be found within the limits thereof, in the same manner as such Prosecution in and by the first mentioned Act is directed and Intended to be carried on and Proceeded in.

PROVIDED and be it further Enacted by the Authority aforesaid that if the Person or Persons whose goods or Chattles or Real Estate shall be Seized or entered upon for the reason and in the manner beforementioned shall and do before the Sale thereof enter into such Recognizance with sufficient Sureties payable in three Months thereafter as in and by the said first mentioned Act is directed, they and each of them entring into such Recognizance shall have again and retain the Seizen and possession of the Estates Real or Personall so Seized or entered upon as in that behalf in and by the said Act is provided. And if such

of the said Persons ADJUDGED Convict as aforesaid whose Estate Real or Personall shall not be Seized or entered upon, shall enter into the like Recognizance for paying the sume or Sum's of money he is liable to at or before the time last mentioned he shall likewise have the Benifit which in that behalf is allowed in the said Act.

BE IT ALSO ENACTED by the same Authority that if the aforesaid Commissioners shall See Cause to have a Constable to attend on them at any time during their Executing of this Act the Constables of the City of Albany shall in their turns attend on them accordingly and comply with the Orders which the said Commissioners from time to time shall give unto them on the Penalty and for the same reward as in the said Act is mentioned. And as well that as all other charges accruing in the Execution of this Act relating to the said Fines Penaltys and Forfeitures shall be borne and defrayd as in and by the first mentioned Act is ordered and directed for such Charges therein mentioned to be borne & defrayed.

BE IT FARTHER ENACTED by the Authority aforesaid, That the two beforementioned Books shall be Colated and Signed by the before named Commissioners or any two of them the Clerk and High Sheriff as soon as they shall have performed the severall matters hereby directed to be Executed and performed by them Respectively which Colating, and Signing is to be in the same manner as such Books in and by the said first mentioned Act are ordered and directed to be and one of the said Books is to be transmitted to the Secretarys Office in the City of New York, and the time of doing it is to be within twelve Months NEXT after the Publication of this Act at farthest. And the said Books one being so Lodged in the said Secretarys Office, the other to remain at Albany both are and each is to be matter of Record against which there shall be no averment and shall be deemed and allowed Records of as high a nature and absolute certainty as any other Record in this Colony and be of as full and great Force and Virtue as the Books in the afore recited Acts are or either of them is enacted to be.

BE IT FARTHER ENACTED by the Authority aforesaid that if any of the beforenamed Commissioners Clerk High Sheriff Constables or any other Person shall be sued for what either he or they shall do in the Execution of this Act he or they may plead the Generall Issue and give the Special Matter in evidence for his

and their Excuse in Justification and if the Plaintiff or Plaintiffs shall become Non Suit Discontinue Retract or withdraw his or their Action or if a Verdict pass against him or them the Defendant or Defendants shall recover and be allowed by the Court where such Action or Actions shall be Tryed or brought his or their treble Cost which he or they shall have sustained by reason of their wrongfull Vexation in defence of Such Action or Actions for which the Defender or Defendants shall have like remedy as in other Cases where Cost by the Laws are given or allowed to Defendants.

AND BE IT FARTHER ENACTED by the same Authority all the moneys which shall be received or recovered by means of the aforesaid fines Penaltys and forfeitures, shall from time to time be paid to the said Commissioners OR any two of them and by them be transmitted to the Treasurer of this Colony retaining in their hands what by the herein last mentioned Act in that behalf is allowed to them. And in Case any failure might happen in the recovery of the aforesaid fines Penaltys and forfeitures according to the true Intent and meaning of this Act

BE IT ENACTED by the same Authority that then and in Such Case his Majestys Attorney Generall shall be fully Impowered by an Act to be passed for that purpose Effectually to recover the beforementioned Fines Penaltys and Forfeitures with the utmost rigour of the Laws.

AND WHEREAS it appears that out of two Articles allowed And provided in the herein last mentioned Act for the use of the Trading House at Oswego to wit, For Provisions Rum and Sugar and for Incidentals (including Carpenters work) there remains in the Treasury unissued the sum of one hundred and Seventeen pounds Seven Shillings and four pence half penny Be it Enacted by the Authority aforesaid that no part of the said Sum shall be paid or Issued by Virtue of the said Acts but be Employed as herein after is directed any thing in the aforesaid Act to the Contrary notwithstanding

AND WHEREAS Some of the Provisions Rum Sugar workmanship and Incidentals, Provided for in the manner above mentioned have nevertheless been furnished and done for the use of the said Trading House. And that likewise several other Provisions Stores necessarys and Services have been furnished and performed for the use of the said Trading HOUSE And it being Just and reasonable that as well the demands for the Same, as the sum agreed to be paid towards Suporting the said House

in a more certain and less expencive manner for the time to Come (as herein after will more particularly be mentioned) may be punctually paid and discharged.

BE IT ENACTED by the Governour the Council and the Generall Assembly, and it is hereby Enacted by the Authority of the same that the Treasurer of this Colony, shall out of the money herein after mentioned in Sivil Pillar or Mexico Plate or Bills of Credit made Current in this Colony, pay unto the Persons hereafter Named, their Executors Administrators or Assigns the Several and Respective Sums following that is to say.

To Leendert Helmer for Carriage the sum of Two pounds five shillings.

To Dirrick Deemont for the like, the sum of one pound Seven Shillings.

To Adam Van Den Bergh for the like the sum of Ten shillings and Six pence

To Wilhelmus Van Den Bergh for Padels the sum of Eighteen shillings.

To Eghbert Brat for labour at the Battoes the sum of one pound twelve shillings and Six pence.

To Ditto for Ditto labour the Sum of one pound Six Shillings & three pence

To Johannis Lansingh for provision the Sum of three pound three shillings and four pence three farthings.

To Anthony Bogardus and his son for labour at the Batoes the sum of three POUNDS twelve shillings and Six pence.

To Abraham Dow for Provisions &c the Sum of One pound Seventeen Shillings and Six pence

To Abraham Cuyler for Incidents &c the sum of Eight Pounds nineteen shillings and Seven pence half penny.

To Johannis Wyngaert for his Voyage to Oswego the sum of Eight pounds eight Shillings.

To Symon Veeder for Ditto the sum of Eight pounds twelve shillings.

To Evert Evertse for Ditto the Sum of Eight pounds twelve shillings.

To Dow Van Veghten for Ditto the Sum of Eight pounds Sixteen shillings

To Bernadus Brat for Ditto the Sum of Eight pounds twelve shillings.

To John Perry for Ditto the Sum of Nine pounds.

To Adam Condee for Ditto the Sum of Eight pounds twelve shillings.

To Evert Janse for Ditto the Sum of Eight pounds twelve shillings

To Dirck Deegormoy for Ditto the sum of Eight pounds twelve shillings.

To Johannis Van Veghten Jun'r for Ditto the sum of Eight pounds Sixteen shillings

To Jelles De Garmoy for Ditto the sum of Eight pounds twelve shillings.

To John Foster for Ditto the sum of Eight pounds Sixteen shillings.

To Barent Sanders for Nailes the sum of ten shillings and six pence.

To Abraham Trueax for Carriage the sum of one pound seven shillings

To Benjamin Van Vleeg for Ditto the Sum of twelve shillings.

To Dirick Luykas and Nicholus Hornick for Ditto the Sum of four pounds THIRTEEN Shillings.

To Abraham Treuax for Ditto the sum of one pound seven shillings

To Harmanus Vedder for Ditto the sum of one pound seven shillings.

To Evert Van Eps for Ditto the sum of two pounds Eight shillings

To Jan Wemp for Ditto the sum of one pound fifteen shillings and Six pence.

To Jilles ffonta for Ditto the Sum of Eighteen shillings.

To Barent Vroman for Ditto the Sum of Nine Shillings.

To Guysbert Van Brakell for Carriage the sum of Eighteen shillings.

To Robert Dunbarr for his Voyage to Oswego the sum of Eight pounds Sixteen Shillings.

To Johannis Myndertse for Ironwork the sum of two pounds and Six pence

To Johannis D Vander Heyden for his Voyage to Oswego the sum of eight pounds twelve shillings.

To Phillip Livingston for Provisions and other Incidents, to Lawrence Claese and Indians for marking out the Land of the House at Oswego the sum of Eleven pounds Eight Shillings and eight pence farthing.

To Daniel Danielse for labour at the Battoes the sum of two pounds & Six pence

To Barent A Brat for his Voyage to Oswego the sum of Eight pounds twelve shillings

To Jacob Trueax for Ditto the Sum of Eight pounds four Shillings

To Thomas Harris for Ditto the sum of Eight pounds, four shillings.

To Arent Brat for Incidents the sum of one pound seven shillings

TO Peter Quackenboss Jun'r for his Voyage to Oswego the sum of Seven pounds eight Shillings.

To Guysbert Roseboom for Provisions the sum of three Pounds ten shillings.

To Peter Van Alen for his Voyage to oswego the Sum of Six pounds Sixteen shillings.

To Evert H. Wandell for Ditto the Sum of Six pounds Sixteen shillings

To William Hogan Jun'r for Ditto the Sum of Six pounds Sixteen Shillings

To Jacob Vedder for repairing a Waggon at Oswego the sum of four shillings

To Adam Staring and Fredrick Kipman for Carriage the sum of Twelve shillings

To Jacob Beekman for Iron Work at Oswego the sum of Two pounds eight shillings

To Thomas Schoenmaker and Godfree Reile for Carriage the sum of one pound Seven Shillings.

To William Peters for Ditto the Sum of Nine shillings.

To Arent Daniels in full for two Accounts, for Work at the Battoes the sum of one pound Seven shillings.

To Johannis Vroman for Ditto the sum of One pound thirteen shillings.

To Adam Daxsteder for carriage the sum of One pound Seven shillings

To Ditto for Ditto the Sum of three pounds twelve shillings

To Joseph Clement for mending Battoes the sum of three shillings.

To Juria Daxsteder for Ditto the sum of one pound seven shillings

To Ditto for Ditto the sum of Eighteen shillings

To Johannis Cloet for Carpenters Work the sum of five pounds Eleven shillings

To Jacob Visher for Oakum and other Incidents the Sum of one pound thirteen Shillings and nine pence.

To Harme Grodt for his Voyage to Oswego ye sum of Six pounds Seven Shillings and Six pence

To Thomas Harris for Ditto the sum of three pounds Six Shillings

To Ruben Van Veghten for boards the sum of one pound.

To John Moore for Pork the sum of thirty nine pounds two shillings

To Stephen De Lant for Rum the sum of Nine pounds Eighteen shillings

To Lawrence Garner for Candels the sum of four pounds Seven shillings

To Petrus Rutgus for Tobacco the sum of Six pounds two shillings & Six pence

To Thomas Hammond for wood Axes the sum of one pound eight shillings and Six pence

To Thomas Brain for Medicens in full for his Acco't of twenty Six Pounds thirteen Shillings and four pence the sum of thirteen pounds Six Shillings and eight pence.

To Evert Janse for a Voyage to Oswego the sum of five pounds fifteen Shillings and Six pence.

To Caspar Ham for Ditto the sum of five pounds fifteen Shillings and Six pence.

To Marte Van Buren Jun'r for ditto the sum of five pounds fifteen shillings and Six pence.

To Johannes Wyngaert for Ditto the sum of five pounds fifteen shillings and Six pence.

To Dirck Hun for Padles the Sum of one pound Eight Shillings.

To Johannis Roseboom for Incidents the sum of one pound two Shillings and Six pence

To Johannis Cuyler for ditto the sum of three pounds Six Shillings and nine pence.

To William Barret for repairing battoes the sum of Six Shillings.

To Sander Glen for riding the sum of Nine Shillings

To Andries Van Petten for ditto the sum of Nine shillings.

To Jan Baptist Van Eps for Provisions riding and other necessarys the Sum of two pound nineteen Shillings and Six pence.

To Hons Jurik Kast and others for repairing the Road on the Oneydo carrying place the Sum of twenty four pounds fourteen Shillings and Six pence.

To Johannis Kesselaer for Carriage the Sum of two pounds fourteen shillings and Six pence.

To Jan Jost Pettry for Ditto the Sum of Eighteen Shillings.

To Jon Jost Herg Harmer for ditto the sum of one pound Seven Shillings

To Johan Jurie Kaste for Provisions the sum of twenty eight pounds Eleven shillings and three pence.

To Jost Van Sise and Hendrick Wemp for Smith's work among the Indians the sum of twenty pounds.

To Evert Wendell for being in the Indian Country with the above named Joost Van Sys the sum of Six pounds thirteen Shillings and four pence.

To Jacob Glen Jun'r for a Journey to Onnondage the Sum of Ten pounds and TO Jacob Philipson for work done at Oswego the Sum of Six Shillings

AND WHEREAS it is Computed that with what Mr. Wendel has undertaken to perform the following Particulars more will be Sufficient annually to Support the Troops Posted or to be Posted at the Trading House at Oswego for the security of the Trade there and discharge the necessary Incidentals attending the same for the term of fifty two Weeks, to wit.

FOR two Men that understand the Indian Language to remain at Oswego during the Winter Season the sum of Forty Pounds.

FOR a Doctor to remain there the Space of fifty two Weeks the sum of Forty Pounds and for all other Incidents the Sum of fourteen pounds.

BE IT ENACTED by the Authority aforesaid that during the continuance of this Act the above mentioned allowances or such part thereof as shall be actually performed and furnished, shall be annually discharged during the same time. By Warrants to be drawn by his Excellency in Council on the Treasurer of this Colony payable out of the Fonds arisen or to arise by Virtue of this Act.

AND for Enabling the said Treasurer to make punctual and Effectuall payment of the Severall Sums before mentioned BE it Enacted by the Authority aforesaid that it shall and may be Lawfull for him to borrow a Sum not exceeding the sum of four hundred and twenty one pounds one shilling and three pence half penny, out of the money now in his hands by Virtue of an Act

ENTITULED an Act for laying an Excise on all strong Liquors retailed in this Colony passed in the twelfth Year of her late Majestys Reign and by Virtue of one other Act Entituled an Act for paying and discharging the severall debts and Sums of money Claimed as Debts of this Colony to the severall Persons therein named and to make and Enforce the Currency of Bills of Credit to the Value of twenty seven Thousand Six hundred and Eighty Pounds for that purpose, all so to make void all Claims made or pretended to be due from this Colony before the first day of June One thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the future passed in the thirteenth Year of her said Majestys Reign any thing in the said Acts or either of them to the Contrary notwithstanding which Sum so to be borrowed within the herein before mentioned unIssued Sum of One hundred Seventeen Pounds Seven Shillings and four pence half penny and the Sum of Thirty four Pounds Six Shillings and Six pence half penny paid in part by the Farmers of Dutys on Indian Goods make out the before mentioned allowances and are accordingly to be Employed for the discharge thereof, Including one hundred pound already paid Mr. Wendel in part of his Contract herein after mentioned.

BE IT ALSO ENACTED by the same Authority that all the accounts and allowances beforementioned being paid by the Treasurer to the several before named Persons their Executors Administrators or Assigns & paying proper receipts thereon shall be unto him a good Voucher and discharge in the Law for so much as in such receipt or discharge shall be mentioned to be received

AND WHEREAS it is allowed that the Indian Trade at Oswego is Considerably encreased and it being Conceived Just and Equitable that the Charge and expence for the Encouragement and Security thereof should be borne either by the Trade itself or those that reap the benefit of it, Be it Enacted by the Authority aforesaid that the Duties laid and Imposed on Indian Goods by Virtue of an Act Entituled an Act to lay different duties on the Goods therein mentioned and for regulating the Indian Trade in the City and County of Albany for the term of two Years and for moderating and ascertaining the fines Incurred by former Acts if paid within the time limited in this Act passed in the thirteenth Year of his late Majestys Reign, and by one other Act Entituled an Act for defraying the Cost and Contingent Charges of the Trading House Erected at Oswego and the

maintaining it during the time therein mentioned for applying Several Fonds & borrowing a Certain Sum out of the Excise for that purpose. For the Effectual recovery of former fines and Forfeitures for Continuing the different Duties on Indian Goods during the time therein mentioned and for making good the money so to be borrowed of the Excise passed in the second Year of his present Majestys Reign Continued untill the eighth day of January in this present Year one thousand Seven hundred and twenty nine, shall be and hereby is farther Continued untill the twenty fifth day of December which will be in the Year of our Lord Christ one thousand Seven hundred and thirty three.

AND WHEREAS there was by Virtue of the above last mentioned Act passed in the said Second Year of his Majestys Reign a duty laid and Imposed OF two pence on every Gallon of Rum that Should be Carried to the Westward of the Town of Schanegtada with intent to Sell and dispose thereof to the Indians to Commence from the first day of March last as in and by the said Act, Reference being thereunto had may more at large appear.

BE IT ENACTED by the Authority aforesaid that the said Duty on such rum shall Continue and remain as it was then laid untill the Expiration of fourteen days next after the Publication of this Act and no longer and that from and Immediately after the time last mentioned and untill the twenty fifth day of December one thousand Seven hundred and thirty three there shall be a duty of Six pence on every Gallon of Rum or Other distilled liquors that shall be sent Carried or transported to the Westward of the Town of Schanegtada In Order or with intent to sell and dispose thereof to the Indians either at Oswego or Elsewhere which said Duty on Rum and the Dutys on Indian Goods hereby continued are given and granted to his Majesty his Heires and Successors, to and for supporting the Trading House at Oswego and repaying the money borrowed for that Service and to and for no other use or purpose whatsoever.

BE IT FARTHER ENACTED by the same Authority that John De Peyster shall and hereby is appointed Commissioner for managing and securing the aforesaid Duties on Indian Goods and Rum for the best advantage under such Regulations as in the last mentioned Acts or one of them is and by this Act shall be farther directed. And for enabling him for that purpose he shall be and hereby IS Vested with all and Singular the Powers and

Authoritys Subject to the Same Directions, Liable to the same Penalties and Entituled to the same rewards as in and by the two last mentioned Acts or any other Act in that behalf is mentioned and expressed in as full and ample manner as if all those matters had been particularly and at large Enacted in the Body of this Act. And the said Commissioner is hereby Enjoyed from time to time to transmit unto the Treasurer of this Colony all the money to arise by Virtue of the said Duties retaining out of the same so much as by the before mentioned Act was for that Service allowed to the three Commissioners therein named. And he is likewise not only to doe and perform every matter and thing for the regular and well management of the said Dutys, but likewise to keep Exact Books thereof and to Render true accounts of the same upon Oath to the Governour Council and General Assembly when by them or any of them thereunto required. And for enabling the said John De Peyster the better to manage and secure the said Duties, he is hereby Impowered to depute one or more Persons under him with the like or limited Powers in managing and Securing the said Dutys always provided that he shall be answerable for the Conduct and management of Such Deputy or Deputys and the said Commissioner and his Deputys shall have full Power to Seize all Dutiable Goods Exported with Intent as aforesaid without entring which shall and may be Seized forfeited and applyd as hereinafter is directed, and if the said Commissioner should happen to dye during this Act the first Deputy by him to be appointed shall have the same Power given and Intended to the said Commissioner untill an OTHER shall be appointed by an other Act to be hereafter passed.

AND FOR the Due and orderly Securing and Collecting the aforesaid Duties and preventing Disputes therein Be it declared and Enacted by the Authority aforesaid that all Strouds whether red Blew Aurora or any other Colour shall be liable to the Respective Dutys which in Generall words are laid on strouds by the said Acts or one of them. And that Duty is to be understood in no other manner during the Continuance of this Act. And for the further Securing of the said Duties on Indian Goods and Rum, Be it Enacted by the Authority aforesaid, that all persons Carrying Sending or transporting the same or any sorts of them to Oswego they shall besides entering into Recognizance for the Dutys thereof take a Certificate from the said Commissioner or his Deputy that they have entered into such Recog-

nizance for the Severall quantities and Speces of Goods to be mentioned therein which Certificate the said Commissioner is hereby required to give and to take no more then nine pence for the writing of it which Certificate or Certificates are to be delivered to and lodged with the Commanding Officer at Oswego for the time being. And if any Trader or any other Person shall presume to carry any of the aforesaid Dutiable Goods thither without such Certificate as aforesaid or more then shall be mentioned therein all such Goods so carryed without Certificate or more then is mentioned in it the same shall be forfeited to his Majesty his Heirees and Successors, One half thereof for the use and benifit of the Seizer and the other half for the use of the Trading House at Oswego

AND it shall and may be Lawfull to and for the Officer Commanding there for the time being, or for any other Person to make Seizure accordingly and dispose of the Goods so Seized for the uses above mentioned. PROVIDED that nothing herein contained shall Exempt any Person or Persons from paying of or Entring into Recognizance as aforesaid for the said Dutys of all Such Dutiable goods as shall or may be sent Carried or transported to the Westward of the Town of Schenegtada in order or with Intent to sell or dispose of the same to Indians during the Continuance of this Act PROVIDED also that all Dutiable goods Sent carryed or Transported to the Northward of the City of Albany in Order or with Intent to Sell or dispose of the same to Indians or to the French and so likewise all such as shall be bought by the French shall be Subject and liable to the Dutys laid by Former Acts and Continued by this Act and to the Severall Directions herein mentioned in Relation to the aforesaid Dutys on Indian Goods and for all such of the said Goods as shall be sold to French or Indians the person or Persons selling the same shall be and hereby is made liable to pay the Dutys thereof and be under the Same directions and Regulations in that behalf as is above mentioned.

BE IT ALSO ENACTED by the Authority aforesaid that the said Commissioner of the Dutys on Indian Goods and Rum shall within Six days after a Printed Coppy of this Act shall come up to Albany take the following Oath on the Holy Evangalist before the Mayor of that City Vizt.

I do Swear that I will not during the Continuance of this Act Administer or TENDER to be administered the Oath which I am thereby Impowered to Administer to any Person or Persons

but Such as I do really Suspect or shall be Informed to have sent Carried or Transported or sold to Indians or the French Dutiable Goods without entring the same, or more then is entered by such Person, and that If I send or Transport or sell to Indians or the French any of the said Dutiable Goods my Self or any Person for me on my own Account Or in Partnership with others, I shall give full Credit for the whole Duty thereof in the Book to be kept by me of the said Dutys so help me God. And a Certificate of the said May'r that the said Oath is so taken before him is within one Month after the taking of it to be transmitted by the said Mayor unto the Treasurer of this Colony with whom the same is to be lodged. And the said Commissioner is hereby farther Obliged within the time aforesaid and before the said Mayor to Enter into Recognizance unto our Sovereign Lord the King his Heirs and Successors with two Sufficient Suritys himself in the sum of fifteen hundred Pounds and each of the Securitys in the Sum of Seven hundred and fifty Pounds Conditioned that he shall well & truly Execute what by this Act is required of him to be done in Relation to the Dutys therein mentioned on Indian Goods and Rum, to pay the money arising thereby and Render Accounts as therein is directed which Recognizance is to be Lodged with the Treasurer and for that purpose be transmitted to him by the said Mayor along with the before mentioned Certificates, and of all the Sum or Sums of money arisen or to arise by the beforementioned Dutys on Indian Goods and Rum the said Commissioner is to keep Exact Books and render true Accounts on Oath to the Governour Council and Generall Assembly when by them or either of them thereunto required. And in Case the said Commissioner should happen to dye before the Expiration of this Act, the person who he shall by Virtue thereof under his hand and seal first Depute as his Deputy shall upon such death take the same Oath transmit a Certificate thereof keep the like Books and Render the like accounts as is above mentioned & be Entituled to the same reward as is herein allowed to the before named Commissioner in manner, as hereinbefore is mentioned.

AND for as much as it is Aledged that Indian Goods and RUM have been Clandestantly Transported to avoid payment of the said Dutys, For prevention whereof be it Enacted by the Authority aforesaid That it shall and may be Lawfull to and for the said Commissioner to Summons before him any Person or Persons who he shall Suspect or be Informed to have Carryed

Sent or Transported any of the aforesaid goods without due entry thereof or more then is so entered and the Person so summoned shall be Obliged to make oath of the full quantity of such goods sent carryed or Transported by or for him from the time to be named by the Commissioner provided the same be not before the Commencement of this Act And if up on Such Oath it appears that more is transported than Entered the Party Summoned is for Such overplush to pay the Duty or enter into Recognizance for the same, And upon his refusing or neglecting so to do the Same is to be recovered before any two Justices of the Peace of the City and County of Albany, who are hereby required to award Judgment and (if need be) execution accordingly. But if the Party so summoned as aforesaid does refuse to appear within fourteen days after the Summons is Personally Served upon him or appearing does refuse to swear and give an Account as aforesaid in either of Such Cases he she or they shall forfeit unto his Majesty his Heirs and Successors the Sum of one hundred pounds Current mony of this Colony to be recovered in any Court of Record within this Colony by Action of Debts Bill Plaint or Information wherein no essoign Protection or wager of Law or any more than one Imparliance shall be allowed. PROVIDED that if any Person should afterwards be summoned TO Swear the Oath shall onely be required from his last Swearing or from his being last proceeded against in the manner before mentioned, which before mentioned oath the above named John De Peyster is hereby Impowered to administer.

AND WHEREAS it has been represented to the Generall Assembly even by some of the Persons usually going to Trade at Oswego, That some of the remote Nations of Indians coming to Trade there are often used in such manner by some of our Traders, who seem to have nothing at heart but their own Immediate Interest as will endanger the loss of a Trade already considerabelly increased and obtained at a great Expence and might more over be attended with worse consequences if not prevented by puting that Trade under proper Regulations. And it being Conceived nothing can conduce more to promote and Encrease that Trade with those Indians and to Engage and fix them in his Majestys Interest than good usage and upright dealing. The Generall Assembly therefore pray that as often as a Judicious and discreet Person be Sent to Command at the Trading House at Oswego, he be by a distinct Commission, appointed

a Justice of the Peace at the said Trading House and the district properly belonging to it.

BE IT ENACTED by the Authority aforesaid that when such Commanding Officer shall be so Comissioned a Justice of the Peace he shall have full Power and Authority to regulate the Indian Trade at the said TRADING House and the proper district thereof in the manner hereinafter directed and when any dispute shall happen to arise there between our Traders and the Indians trading with them to hear and determine the same and his Judgment or Judgments to be given thereupon shall be definite and such Trader or Traders as shall not be Concluded thereby and Comply therewith shall forfeit unto his Majesty his Heires & Successors the Sum of Ten pounds to be recovered in any Court of Record within this Colony by Bill plaint or Information wherein no Essoign protection or wager of Law or more than one Imparliance shall be allowed one half for the Person that Shall Sue for and prosecute the same to Effect and the other half for Supporting the Trading House at Oswego And a Certificate of the facts under the hand and Seal of the said Justice of the Peace shall in this Case be allowed good and Sufficient Proof, and it shall and may also be lawfull for the said Justice to hear and Determine diffirences between Trader and Trader and if the sum in Controversy does not exceed Forty Shillings his Judgment thereon shall be definite and Conclusive to the Partys, but if the matter in dispute exceed that sum an Appeal shall lye and be allowed of according to Law.

AND for Regulating the said Indian Trade at Oswego and preventing abuses therein, Be it Enacted by the Authority aforesaid that as soon and whenever the Officer Commanding there shall be qualifeyed as aforesaid That all Persons going to Trade therewith the Indians shall fix their Huts in and near the Place where they usually and of late have Built the same

AND if any of the said Traders shall Build or fix their Hut in any other place or at a greater distance then three hundred Yards from the Trading House at Oswego every person presuming to do the Same shall forfeit the sum of fifty pounds That when any Indians are Trading at Oswego, the said Commanding Officer shall order one or more Centinells to prevent all and every of our Traders from using any manner of Arts or Compulsion to Engage and forestall the Trade of the Indians, and if any of the Traders shall notwithstanding make use of such Arts and Compulsion every such Trader shall forfeit the sum of fifty Pounds

that if any of the said Traders shall upon the appearing of one or more Canoes of Indians in the Lake, go with his or their Canoo and having goods on board her and shall either Trade with such Indian or take their Bevers or other Skins into Possession or hinder Such Indians from carrying their said Bevers or Skins into their own Hutts all and every of the said Traders who shall use Such or any such anticipating or Compulsive means shall forfeit the sum of Fifty Pounds that the said Commanding Officer for preventing Abuses in the Indian Trade there, and carrying the same on in a fair and Civil manner, shall appoint and Assign a Place for the Indians to Lodge or fix their Hutts at not less then fifty Yards distant from the Place herein before mentioned, For our Traders to fix their Hutts at, And that he use all proper means to prevent the Indians from being Ill used or in any manner of way Compeld to Trade or Act Contrary to their own Inclination and that they be at full liberty to Trade for WHAT and with whom they please or where they meet with Suitable Goods and the best and most advantagious Truck or Trade, All which aforesaid Forfeitures shall be recovered in manner as aforesaid and applyed one half for the use of the said Commanding Officer or any other Person that shall Sue for and recover the Same and the other half to and for the use and Suport of the Trading House at Oswego.

AND WHEREAS the Cost and Charges of Building suporting and maintaining the said Tradeing House has Exceeded the Intention and Expectation of it by reason of the uncertain management thereof which has moreover often Rendered the Victualing of the Troops posted there for the security of the Indian Trade at that Place very Precarious And the Generall Assembly being desirous to Suport the said House at a less expence and to Victual those Troops in a better and more Certain manner have made A Contract or agreement with Mr. Harramanus Wendell of Albany Merchant in the manner following to wit.

THE Said Mr Wendell for and in Consideration of the annual Sum of four hundred and Six pounds Current money of this Colony hath undertaken for the term of three Years to commence (by Computation) from the first day of August next to deliver timely and at proper seasons at the said Trading House at Oswego unto the Commanding Officer Posted there for the time being, in every of the aforesaid three Years at the sole cost and Charge of the said Wendell the following Quantities of good Sound and wholsom PROVISIONS which are esteemed Suffi-

cient to Victuall the Troops Posted or to be Posted there for the term of fifty two Weeks that is to say.

Wheat Meal two hundred and eight Skipples

Pease One hundred and fifty Six Skipples.

Indian Corn Fifty two Skipples

Pork three Thousand two hundred and twenty four pounds

Beef Four thousand Eight hundred and thirty Six pounds

Rum One hundred and four Gallons

Sugar One hundred and four pounds and

Candles of eight and ten in a pound one hundred and four pounds

AND the said Comanding Officer is upon his receiving the aforesaid Provisions in each of the said three Years to give a Certificate of the receipt thereof wherein is to be mentioned, the particular Quantities & Species and the time when the same are so received which Certificates are to be Vouchers to the said Mr. Wendell of his having performed Such part of his Contract.

AND for the anual Relief of the beforementioned Troops to Consist of twenty five Men and a Doctor he is to furnish at the Town of Schanegtade at such proper time and season as his Excellency or the Cap't Generall for the time being shall think fit to order and direct in each of the said three Years at his own proper Cost and Charge the following Species & Quantities of good sound and wholesom Provisions that is to say.

BROWN Bisket one thousand and fifty Pounds

Pease Eighteen Skipples

Pork Seven hundred fifty pounds and

Rum twelve Gallons, out of which the Troops going up to Releive the others at Oswego are to be Subsisted at Schanegtade the remainder to be carryed with them to Oswego and out of it to be taken so much as will subsist the Relived Troopes to Schanegtade and the remainder (if any be) left at Oswego of all which a Certificate is to be given by the Commanding Officer in manner as aforesaid.

THAT in Case he delivers any kind of Fresh meat at Oswego he is at his Sole Cost and Charge to furnish Cask to put it in and salt to preserve it and To Cause the same to be well preserved so that it may hold good and Sound a whole Year and all the other Provisions to be delivered by him are likewise to be good in there kind and keep good and Sound during the same Space of time.

THAT he will also provide at his own proper Cost and Charge Caggs to put the Rum in and bags to transport the Meal, Pease Corn Sugar and Bread to Oswego during the said three Years.

THAT he will likewise Annually during the said three Years furnish at his own Charge a Sufficient Number of Battoas not only to Transport the said twenty five Men and Doctor together with their BAGAGE but likewise to provide two able Men to Assist in going to and Coming back from Oswego.

THAT he will also annually during the said three Years provide at his own proper Cost and Charge Wagons to Carry the Bagage of the Officer Soldiers and Doctor from Albany to Schenagtade and in like manner from Schenagtade to Albany when they are relieved as aforesaid. And also to find Sleads or other Carriages to transport the said Battoas and Bagage over the carrying Places forward and backward, always Provided that the Soldiers march on foot between Albany & Schenagtade and over the Carrying Places.

THAT all other Cost and Charges which shall arise or may be requisite to transport the aforesaid Provisions Men and Bagage either by land or water from Albany and Schenagtade to Oswego and back as aforesaid shall be all together borne by the said Mr Wendell and paid by him.

That he will deliver at Oswego in part of the first Years Provisions the first time the Troops shall be releived as much as will Victuall those Troops for the Space of two Months and a Certificate in manner as aforesaid is to be given by the Commanding Officer of the Quantities and Species so Received.

IT is further agreed with the said Mr Wendell that in Case he Sees Cause to make use of two or four Battoas and the Paddles Seting Poles or Tents which are Built bought or paid for for the use of the said Trading House, he may take them either at the Value the Same shall be appraized at by the Commissioners of Indian Affairs or by Persons to be appointed by them for that purpose or Elce be Obligated to deliver them back for the use of the said Trading House at the Expiration of the said three Years in the same plight and Condition they were in when he received them.

AND it is mutually agreed that in Case either a Warr should breake out between the Crown of Great Britain and the most Christian King or that the Aforesaid Troops should be with drawn, from Oswego before the Expiration of the said three

Years this Contract and every part thereof shall Cease and determine when ever either of the said Cases shall happen.

AND the said Mr. Wendell is Obliged either to give Bond with Sufficient Sureties or to enter into Recognizance with the like Securitys for the due performance of all the particulars undertaking to be performed of his part

IN CONSIDERATION of all which the aforesaid four hundred and Six pounds annually to be paid him, during the said three Years is to be paid to the said Mr Wendell his Executors and Administrators in manner following that is to say.

FOR the first Year one hundred pounds within three days after the Publication of this Act, One other hundred pounds on or before the first day of October next ensuing, And the remaining two hundred and Six pounds for the said first Year on or before the first day of August which will be in the Year one thousand Seven hundred and thirty and for the other two Years the SAID four hundred and Six pounds is to be in even and equall payments half Yearly to be Computed from the above mentioned first Day of August

AND for as much as its Conceived that the said Contract will fully answer the Ends proposed by it, Be it Enacted by the Authority aforesaid that the same and every part thereof shall be and hereby is Rattified and Confirmed to all Intents Constructions and purposes whatsoever, and the said Mr Wendell is hereby required to enter into such Recognizance as is before mentioned within forty days after the Publication of this Act.

BE IT ALSO ENACTED by the Same Authority that the Sum of One hundred Pounds already advanced by the Treasurer out of the money to be borrowed by Virtue of this Act shall be in full of the first payment herein before mentioned and shall be allowed to the Treasurer a good payment of so much of the money to be so borrowed

BE IT FARTHER ENACTED by the same Authority that the herein before named Commissioner of the Dutys on Indian Goods and Rum shall pay out of the said Duties unto the aforesaid Mr. Harmanus Wendell on the first day of October next Ensuing, the sum of one hundred pounds, and his receipt for the Same shall be a good Voucher and discharge in the Law to the Said Commissioner for so much on account of the said Duties. And that on the first day of August which will be in the Year one thousand Seven hundred and thirty there be Issued a Warrant by his Excellency in Council on the Treasurer of this Colony

for the SUM of Two hundred and Six pounds payable to the said Mr Wendell out of the aforesaid Duties and the fines Penalties and Forfeitures mentioned in this Act. Which Warrant with the two sums herein before mentioned each of one hundred Pounds is and shall be in full discharge for the first Year of his aforementioned Contract.

BE IT FARTHER ENACTED by the Authority aforesaid, that on the first day of February which will be in the Year, one thousand Seven hundred and thirty, a warrant Issue by his said Excellency in Council for the sum of Two Hundred and three pounds, and another on the first day of August which will be in the Year one thousand Seven hundred and thirty one, for the like Sum of Two hundred and three pounds, both payable out of the Fonds aforesaid unto the said Mr Wendell or his Order which said two Warrants shall and are to be in full Discharge for the second Year of his said Contract.

BE IT FARTHER ENACTED by the same Authority that on the first day of February which will be in the Year one thousand Seven hundred and thirty one a Warrant Issue by his said Excellency in Council for the sum of Two hundred and three pounds and an other on the first day of August which will be in the Year one thousand Seven hundred and thirty two for the like sum of Two hundred and three pounds, both payable out of the aforesaid Fonds to the before mentioned Mr Wendell which said two last mentioned warrants shall and are to be in full discharge for the third and last Year of his said Contract.

PROVIDED and be it further Enacted by the Authority aforesaid that if a Warr Should happen to break out between the Crown of Great Britain and the most Christian King or that the Troops Posted or to be Posted at Oswego should on any account whatever be with drawn from thence before the determination of the herein before mentioned Contract with the said Mr Wendell, Warrants in manner aforesaid shall ceace to be Issued, whenever either of the abovementioned Cases might happen, at least that none shall then be drawn but for such time and for such part only as hath at that time been actually furnished and performed by the said Mr Wendell in persuance of his said Contract any thing in this Act to the Contrary hereof notwithstanding.

AND WHEREAS by the aforesaid Contract Mr Wendell may (if he sees Cause) make use of two or four Battoas and the Pad-

dles, Setting Poles or Tents belonging to the said Trading House on the Conditions hereinbeforementioned.

BE IT ENACTED by the Authority aforesaid that the Commissioners of the Indian Affairs at Albany shall and hereby are fully Impowered and directed to appraise the above mentioned particulars or such part thereof as the said Mr Wendell shall think fit to make use of, or to appoint two or more propper Persons for that purpose, to the end it may be known in what plight and Condition such things are now in, which shall so be made use of, by the said Mr Wendell. And such appraisement is to be lodged with the said Commissioners and entered in their Book. And if the said Mr Wendell should not think fit to make use of the particulars beforementioned or only part thereof THE said Commissioners are hereby further Impowered and required to dispose of such remaining Stores at a Publick Sale giving Publick Notice thereof at least fourteen days before such sale, and the money to arise thereby the said Commissioners are to transmit unto the Treasurer of this Colony for the use of the said Trading House at Oswego.

AND to the end the aforesaid Cost and Charges of the before mentioned Trading House may be fully discharged the money borrowed for that use repaid and the growing Charge defray'd in the manner it has been all along declared and Intended

BE IT ENACTED by the Authority aforesaid that the following Fonds and Particulars shall be employed to and for those Ends and purposes and to and for no other Ends or purposes whatever that is to say. All the money to arise by means of the fines Penalties and Forfeitures mentioned in this or any other Act or Acts relating to the Trade with the Indians, or in Indian Goods. The Sum of three hundred and twenty pounds borrowed out of forfeitures by Virtue of an Act Entituled an Act for discharging a Debt to the late Agents for this Colony at the Court of Great Britain for finishing and Compleating the buildings in his Majestys Fort George For borrowing Certain Sums for those Purposes out of the Fonds there in mentioned and for laying a Tax to make good such parts thereof as stand appropriated to particular Uses passed in the twelfth Year of his late Majestys Reign, saving out of the same a Warrant drawn by the late Governour in Council the Eleventh day of November one thousand seven hundred and twenty-SEVEN for the Sum of twenty two Pounds two Shillings & Six pence payable to Phillip Livingston in behalf of Joseph Clemin which is to be first paid

when the Tax laid for that purpose is paid into the Treasury likewise all Such sum and Sums of money as the Farmers of the Duties on Indian Goods are still in arrear on account of the said Dutys and also all such sum and sums of money as are already arisen or may hereafter arise for Duties on Indian Goods and Rum by Virtue of this Act, or any former Act or Acts Saving so much thereof as may have been Issued before the twenty fifth day of June last past.

AND for as much as the Suport of the aforesaid Trading House is now put upon a fixed footing during the time herein mentioned Care ought also to be had as well for the gradual discharge of the past Cost and Charges as for the growing Charge by a limited time.

BE IT ENACTED by the Same Authority that for the ends and purposes aforesaid the Person herein appointed Commissioner of the Dutys on Indian Goods and Rum shall state an Account untill the twenty fifth day of December which will be in the Year one thousand Seven hundred and thirty in the manner following that is to say, On the Debter side of such accounts to Charge all the money now & hither to borrowed for the use of the said Trading House untill that day likewise all the present undischarged allowances herein before mentioned, and all other growing Charges which shall accrue for that Service untill the same time. And on the credit side to put down whatever may be recovered OR received of the fines Penalties and Forfeitures herein before mentioned untill that day Including the money Expected to be paid by the before named Cuyler Schuyler and Oothout likewise all other Penalties or Forfeitures that may be recovered or received by Virtue of this Act untill then. What has by Former Acts been appropriated and by this Act is Confirmed for the use of Oswego and shall then be recovered or received. All what the Farmers of the duties on Indian goods are still in arrear. And all the unIssued Duties on Indian Goods and rum arisen or to arise by Virtue of this or any former Act untill the said twenty-fifth Decemb'r one thousand Seven hundred and thirty and then to state the Ballance accordingly which accounts he is to Sign and to deliver the same on or before the second tuesday in the Month of January then next following to the Mayor of the said City of Albany for the time being. And the said Mayor Recorder and Aldermen of the said City and all the Justices of the Peace Residing within the limits of the Township of Schenegtade are hereby Charged and required to

meet and Assemble together at the City Hall of the said City on the last Tuesday of the before mentioned Month of January and they or the greater Number of them then present are then and there to assess all and every the Person and Persons Trading or reputed to Trade or to be dealers Traffickers or Traders with the Indians or In Indian Goods with the French during the Continuance of this Act in such Sum and Sums of money as will make up the full fourth part of the Ballance of the Account so stated as aforesaid and to make out an Assessment thereof accordingly the said MAYOR Recorder Aldermen and Justices of the Peace having first taken an Oath on the Holy Evangelist that they shall well truly Equally and Impartially Assess the severall Persons hereby made Taxable according to and in proportion of their said Trade According to the best of their skill Judgment and understanding which Oath any two of the said Aldermen or Justices are first to Administer to the said Mayor or Recorder who is then to Administer the same to the other Aldermen & Justices. And for the due and Effectual Collecting of the Assessment to be made in manner aforesaid. The said Mayor Recorder Aldermen and Justices are hereby Impowered and required to appoint one or more Such fit Person or Persons as they shall think proper for Collecting the severall Sum and Sums of money of and from every Person or Persons that shall be taxed & Assessed in manner as aforesaid and they are hereby farther Impowered & required to give a Warrant or Warrants under their hands and Seales to the Person or Persons to be by them appointed Collector or Collectors requiring him or them to Collect from all and every Person or Persons Named in such Assessments the Respective Sums they are therein Assessed at, and it shall and may be Lawfull for the said Mayor Recorder Aldermen and Justices to ad in their said Assessment and Warrant over and above the fourth part of the ballance of the before mentioned Account Nine pence on every pound which said Nine pence on every pound is hereby allowed to such Collector or Collectors for his and their trouble in Collecting and transmitting the same to the Treasurer of this Colony which said Assessments and Warrants are to be made out and Compleated at the first meeting of the said Mayor Recorder Aldermen and Justices or within a Week thereafter and to be delivered to the Collector or Collectors to be APPOINTED by them in manner as aforesaid. And the said Collector or Collectors are upon the receipt of such Warrants to Collect and gather of and from the Person and

Persons therein, or in the said Assessment mentioned the Sum and Sums of money they Respectively are Taxed and Assessed at, so as that the whole Sum to be Collected by Such Collector or Collectors Respectively, may by him or them or any Person in their behalf be Effectually paid unto the Treasurer of this Colony on or before the first day of the Month of May then next following.

BE IT FARTHER ENACTED, by the Authority aforesaid That if any of the Persons by this Act made Taxable for the end therein directed shall refuse neglect or delay to make payment on demand of the Sum or Sums of money he or she by the aforesaid Assessments is Rated to pay, it shall and may be lawfull to and for Such Collector or Collectors to distrain Such Person or Persons so refusing neglecting or delaying to make payment as aforesaid by his her or their goods and Chattles and the distress so taken to keep the Space of eight days at the Cost and Charges of the Owner or Owners thereof, and of such of the said Owners as shall not pay the sum or sums of money so distrained for within the said eight days, then the said Distress is to be publickly sold by the said Collector for payment of the said money and the over plus arising by such sale (if any) after deduction of the Tax and the Charge Of taking keeping and selling the distress is immediately to be restored to the Owner thereof.

BE IT FARTHER ENACTED by the Same Authority that THE aforesaid Commissioner of the Duties on Indian Goods do on the twenty fifth day of December which will be in the Year one thousand Seven hundred and thirty one State an other Account of the Trading House at Oswego in the manner following, to wit.

On the Debtor side to Charge the Ballance of the last account and to ad to it all the growing Charges for that Service, from that account untill then. And on the Credit side to put down what is or may be recovered or received of the aforesaid Fines, Penaltys, and Forfeitures from the stating of the last account untill that day, all the Neet Dutys to arise on Indian Goods and Rum within the same time, And also the Tax beforementioned or so much thereof as shall then be into the Treasury and to state the ballance accordingly. Which account being so stated and Signed by him, he is to deliver on the second Tuesday of January then next following in the same manner and under the same Penalty as herein before is ordered and directed, for the foregoing Year. And the Mayer Recorder and Aldermen of Albany

and the Justices for the time being living or residing within the limits of the Township of Schenegtade are to meet and Assemble on the last Tuesday of the same Month and in all things to do and Act as they are herein directed for the said foregoing Year as well in Assessing the Persons hereby made Taxable as in appointing a Collector or Collectors and Issuing a Warrant or Warrants so as that the whole Collections to be made in pursuance thereof will make up the full third part of the Ballance of the account to be stated in the manner last mentioned ADDING thereto nine pence on every pound as a reward to the Collector or Collectors who is or are hereby Impowered and required to observe and perform all & Singular the like directions as in that behalf is mentioned for the preceding Year, so as that the whole Sum Intended and directed to be Collected for discharging the above mentioned full third part of the aforesaid Ballance, be by such Collector or Collectors or any other Person in his or their behalf effectively paid into the Treasury on or before the first day of the Month of May then next following, and for that purpose Such Collector or Collectors are and shall be Vested with all and Singular the Powers in that behalf given for the said foregoing Year.

BE IT FARTHER ENACTED by the Authority aforesaid that on the twenty fifth day of December which will be in the Year one thousand Seven hundred and thirty two a like account be stated and the like Assessments and Collections made as in the next forgoing clause is mentioned for Assessing and Collecting one full half of what shall then appear to be the Ballance of the account to be stated till that time. And the aforesaid Commissioner and the Mayor Recorder Aldermen and Justices of the Peace before mentioned as also the Collector or Collectors to be appointed in manner aforesaid, are in all things relating to them Respectively to persue, observe and perform all and Singular the directions and have the same Powers and Authoritys as in that behalf are directed and mentioned in the two foregoing Clauses for the two preceeding Years Excepting only in point of time which in this Tax is to be Reckened next after Christmas which will be IN the said Year one thousand Seven hundred and thirty two and the Said Tax is Effectively to be paid into the Treasury in manner as aforesaid on or before the first day of the Month of May which will be in the Year one thousand Seven hundred and thirty three.

BE IT FARTHER ENACTED by the Same Authority that an other like account as in the foregoing Clause is directed shall be stated untill the twenty fifth day of December which will be in the Year one thousand Seven hundred and thirty three and the like Assessment and Collections made as in and by the three foregoing Clauses or one of them is mentioned for the whole remaining ballance of the account to be stated in manner as aforesaid untill that time. And the aforesaid Commissioner and the said Mayor Recorder Aldermen and Justices of the Peace as also the Collector & Collectors are in all things Relating to them Respectively to persue observe and perform all and Singular the directions and have the same Powers and Authoritys as are given and enjoined to them Respectively by the aforesaid three Clauses or one of them Excepting in point of time only which is to be Reckened next after Christmas in the Year one thousand Seven hundred and thirty three so as that this last Tax may Effectively be paid unto the Treasurer of this Colony in manner as aforesaid on or before the first day of May which will be in the Year one thousand Seven hundred and thirty four

BE IT FARTHER ENACTED by the Authority aforesaid that if the beforenamed Commissioner of the Duty on Indian Goods and Rum DOE not State the four Accounts as herein before is directed and deliver the same in the manner and at or before the times herein beforementioned in any of the said four Years he shall for every such default forfeit unto his Majesty his Heires and Successors the Sum of three hundred Pounds Current money of this Colony. And the Mayor Recorder Aldermen or the before mentioned Justices of the Peace for the time being, refusing denying or neglecting in any of the said four Years to put this Act in Execution according to the true Intent and meaning thereof and the directions herein Enjoined every such Mayor so refusing neglecting or delaying the same shall forfeit the Sum of one hundred pounds in like money. And the Recorder and every Aldermen and Justice of the Peace for the time being so refusing neglecting or delaying in any of the said four Years what by this Act is required to be done and performed by them, each of them shall for every of their defaults by Such refusell neglect or delay, forfeit the sum of Fifty pounds in money aforesaid all which Forfeitures are from time to time be recovered of and from every of the said Persons so in default in any of his majestys Courts of Record within this Colony by Bill Plaint or

Information, wherein no Essoine Protection or wager of Law or more than one Imparliance shall be allowed, one half of which Forfeitures to and for the use of any Person or Persons that shall and will Sue for the same to Effect, and the other half for the use of the said Trading House at Oswego.

AND BE IT FARTHER ENACTED by the Authority aforesaid that IF the Collector or Collectors to be appointed in manner aforesaid shall deny neglect or delay to make Collections of the money which he or they shall be ordered by the aforesaid Warrant or Warrants to Collect or deny neglect or delay to transmit such money to the Treasurer in manner and within the Respective times hereinbeforementioned, Every such Collector or Collectors so failing in his said Duty, and being thereof Convicted before any two Justices of the Peace of the said City or County, shall by Warrant under the hands and Seales of Such Justices be Comitted to the Common Joal of the Said County there to remain without Bail or mainprice untill he or they shall make fine and Ransom for such default and Contempt. And the said two Justices or any two other Justices of the Peace within that County are hereby fully Impowered to hear and determine such Complaints and to Issue such Warrant or Warrants as aforesaid.

AND BE IT FARTHER ENACTED by the Authority aforesaid that for all the money which the Treasurer shall receive by Virtue of this Act he shall give receipts grates to the Persons paying the same which receipts shall be unto such Person or Persons a good discharge in the Law for so much As shall therein be mentioned to be received.

BE IT ALSO ENACTED by the Same Authority that out of the Fonds arisen or to arise by Virtue of this Act the said Treasurer Shall pay and discharge the severall Warrants to be drawn by his EXCELLENCY Council in Manner as is herein before mentioned and the Said Treasurer shall likewise pay out of the aforesaid Fonds all such other Warrants as shall Yearly or half Yearly be Issued in manner as aforesaid for discharging the allowances herein beforementioned during the Continuance of this Act and if the money to arise by Virtue of the same Act shall exceed the said allowances such overplus is by him to be annually replaced to the excise untill all the money hither to borrowed from it for the use of the Trading House at Oswego shall be fully repaid and what may arise more by the Fonds aforesaid shall remain in the Treasury for and towards the farther Suport of the said Trading House and to and for no other

use or purpose whatsoever. And that of all the money he shall receive and pay by Virtue of this Act he shall keep Exact Books and render True Accounts thereof upon Oath to the Governour Council and Generall Assembly when by them or any of them thereunto required. And for ye money he shall so receive and pay he shall be allowed two pounds on every hundred Pounds and after that rate for a greater or Lessor Sum as a reward for his trouble for receiving paying and Rendering Accounts thereof.

[CHAPTER 543.]

[Chapter 543, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in Bradford, 1732 ed., p. 345.]

An Act for Lisencing Hawkers and Pedlers within this Colony.

[Passed, July 12, 1729.]

BE IT ENACTED by his Excellency the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the same, That from and after the first day of September next there shall be Answered and paid to his Majesty his Heires and Successors by every Hawker Pedler petty Chapman or any other Trading Person or Persons going from Town to Town or to other Mens Houses and Traveling either on foot or with Horse, Horses or otherwise within this Colony of New York (Except as hereafter is Excepted) carrying to Sell or Exposing to Sale any Goods Wares or Merchandizes a Duty of five Pounds pr Annum & that every Person so Travelling with a Horse or other Beast bearing or drawing burthen shall pay the sum of five Pounds pr Annum for each Horse or other Beast bearing or drawing burthen He or she shall so Travel with over and above the said first mentioned Duty of five Pounds.

AND BE IT FARTHER ENACTED by the Authority aforesaid that every Pedler Hawker or Petty Chapman and other Trading Person or Persons so Travelling as aforesaid within this Colony shall before they take a Licence deliver or Cause to be delivered in writing under their hands and Seals unto his Excellency the Governour of this Province or Commander in Chief for the time being or such Person or Persons deputed by him for the time being a note in writing under his or her hand or under the hand of some Person by him her or them AUTHORIZED in that behalf how and in what manner He or She will Travell and Trade wether on foot or with one or more horse or Horses or other

Beast bearing or Drawing Burthen for his or her so Traveling and Trading for which He or She thereupon shall pay unto the Treasurer of this Colony for the time being the full Sum or Sums above mentioned which are to be applyed as the Governor Council & Generall Assembly of this Colony shall hereafter think fit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Such Hawker Pedler or Petty Chapman from and after the said first day of September next be found Trading as aforesaid without or Contrary to Such Lycence such Person shall for each and every Such Offence forfeit and pay the Sum of Thirty Pounds Current Moneys of this Colony the one Moyety thereof to the Informer and the other Moyety to the Poor of the Town or Place wherein such Offender shall be discovered, and That every Person so Trading who upon demand made by any Justice of the Peace Sheriff Constable or other Officer within this Colony where he or she shall so Trade shall refuse to produce or Shew his her or their License for so Trading to be granted as aforesaid that then the Person so refusing shall forfeit five Pounds to be paid to the Overseer's of the Poor where such Demands shall be made to the use of the Poor of that Place and for non payment thereof Shall Suffer one Months Imprisonment

AND BE IT FURTHER ENACTED by the Authority aforesaid THAT his Excellency the Governour or Commander in Chief for the time being is by this Act Desired upon the terms aforesaid and upon the payment made as aforesaid to grant a Licence under his hand and Seal to every Hawker Pedler Petty Chapman or any other Trading Person for him or her Self with one or more Horses or other Beasts bearing or Drawing Burden where with he or she travel with as the Cases shall require for which Licence there shall be paid the sum of Ten Shillings and no more over and above the Dutys as aforesaid and that the Treasurer for the time being shall keep a Distinct Account of the Dutys Rece'd by him by Virtue of this Act.

AND BE IT FARTHER ENACTED by the Authority aforesaid that if any Person or Persons shall forge or Counterfeit any Lisence or Licences to Travell with such forged or Counterfeit Lisence for the purposes aforesaid Such Person shall forfeit the sum of fifty pounds one Moyety thereof to his Majesty his Heires and Successors to be applyed as the Governour Council and Generall Assembly of this Colony shall hereafter think fit the other half to him or them that shall Prosecute or Sue for the Same, to be recovered by Action of Debt Bill Plaint or Information in

the Supream or any of the Inferiour Courts within this Colony in which no Essoyn Protection wager of Law or more then one Imparliance shall be allowed

AND BE IT FARTHER ENACTED by the Authority aforesaid that if any Person or Persons, shall be sued molested or troubled for puting in EXECUTION any the Powers Contained in this Act or for doeing any matter or thing Pursuant thereunto such Person or Persons shall and may plead the generall Issue not guilty and give the special matter in Evidence and if the Plaintiff or Plaintiffs shall become nonsuit or discontinuance his or their Action or if a Verdict pass against him or them the defendant shall recover Treble Cost for which Execution shall Issue in such Manner as in other Cases where Costs are allowed to Defendants.

AND BE IT FURTHER ENACTED, by the Authority aforesaid that if any Sheriff Constable or other Officer shall refuse or neglect upon due Notice or upon their own View to be aiding and Assisting in the Execution of this Act being thereunto required each & every such officer & Officers being thereof Convicted by the Oath of one or more Credible witness or Witnesses before any Justice of the Peace in the Place where any such Offence shall be Comitted shall forfeit for each and every Such offence contrary to this Act the sum of Forty shillings to be levyed by distress and Sale of the Offenders goods by Warrant under the hand & Seal of Such Justice of the Peace the one Moyety to the Poor of the Place where such offence shall be Comitted the other Moyety to the Informer who shall prosecute for the same rendring the overplus thereof to the ower if any be.

AND BE IT FURTHER ENACTED by the Authority aforesaid that it Shall and may be Lawfull for any Person or Persons whatsoever to Seize AND detain any such Hawker Pedlar, Petty Chapman or other Trading Person or Persons as aforesaid till such time he she or they shall produce a Lisence in that behalf, if he she or they have any, and if he she or they shall be found Trading without a Lisence Contrary to this Act for such Reasonable time as he she or they may give notice to the Sheriff, under Sheriff or any of the Constables or some other Officer or Officers who are hereby required to carry such Person so Seized before one or more of his Majestys Justices of the Peace of the County or Place where such offence or Offences shall be Comitted which said Justice or Justices of ye Peace is and are hereby Authorized and strictly required either upon

the Confession of the party offending or due proof of Witness upon Oath (which he is hereby Impowered to Administer) that the Person so brought before him or them had so traded as aforesaid and that no such Lisence shall be produced by such Offender before the said Justice by Warrant under his or their hands and Seals or under the hand and Seal of any of them to Cause the said Sum of thirty pounds to be forthwith Levied by distress and Sale of the Offenders Goods wares or Merchandize Rendring the Over plus if any be to the Owner or Owners thereof after True deduction for the reasonable Charge for taking the said distress and out of the said Sale to pay the said Respective Penaltys and forfeitures aforesaid.

PROVIDED always and be it Enacted by the Authority aforesaid that this Act nor any thing therein Contained shall Extend to prohibit any PERSON from Selling any Fish Fruit or Victuals nor to hinder any Person or Persons who are the Real Workers or Makers of any goods or Wares of his her or their own making in any Publick Market Fair Markets or Else where nor any Tinker Glazier Cooper Plumbers, Tayler or other Person usually Trading in mending and making of Cloths Kettells, Tubs or House hold goods whatsoever from going about and carrying with him or them proper Materials for making and mending the same. And that nothing in this Act contained shall be construed to hinder or debar Abraham Remmick of Queens County from selling or disposing of any goods Wares or Merchandize in ye said County in such Manner or ways as he shall think fit.

PROVIDED also and be it farther Enacted by the Authority aforesaid that neither this Act nor any thing there in Contained shall Extend or be Construed to give any power for the Licensing for any Hawker Pedler or Petty Chapman to sell or Expose to sale any wares or Merchandizes in the Citys of New York and Albany any thing Herein contained to the Contrary notwithstanding.

PROVIDED likewise that any Person or Persons Coming to any Town or Towns with a Cargo of Goods or Merchandizes and bring the same into a House in such Town where they are to lodge or Reside at least the Space of Thirty days and disposing of their said goods or Merchandize in Such House only such Person or Persons shall not be deemed a Hawker PEDLER or Petty Chapman within the meaning of this Act any thing therein to the Contrary notwithstanding. This Act to be and Continue in force for the term of three Years from and after the Commencement thereof and no longer

THE MONTGOMERY CHARTER OF THE CITY OF NEW YORK, 1730.

[Note.— This charter, which was sealed Jan. 15, 1730, and confirmed Oct. 14, 1732 (see ch. 584), is in the office of the comptroller of the city of New York. This copy has been carefully compared with the original. The original is sealed with the great seal of the province, and is indorsed with a statement that the charter is recorded in the Secretary's office in book billed Commissions under the great seal of the province, begun Anno Domini, 1702, and that in the recorded copy the following mistakes occur, to wit., &c (reciting them). (Signed.)

FFREDK. MORRIS,

D. Sec'y.

The book of commissions referred to above is now in the State Library.]

George the Second by the grace of God of great Britain ffrence and Ireland King Defender of the ffaith &c To all whom these present Letters Shall Come greeting Whereas on the Twenty Second day of April in the year of our Lord One Thousand Six Hundred Eighty and Six Thomas Dongan then Lieutenant Governour and Vice Admirall of New York and its Dependencies under our predecessor James the Second then King of England &c did make and Execute a certain Grant or Instrument in writeing under the Seal of the province of New York in these words ffollowing:

Thomas Dongan Lieutenant Governour and Vice Admirall of New York and its Dependencies under his Majesty James the Second by the grace of God of England Scotland ffrence and Ireland King Defender of the faith Supreme Lord and Proprietor of the Colony and Province of New York and its Dependencies in America &c To All to whom this Shall Come Sendeth greeting Whereas the City of New York is an Antient City within the Said province and the Citizens of the Said City have antiently been a body Politick and Corporate and the Citizens of the said City have held used and enjoyed as well within the Same as elsewhere in the Said Province diverse and sundry rights Liberties privileges ff ranchises ff free Customs pre-heminenties Advantages Jurisdictions Emoluments and Immunities as well by Prescrip-tion as by Charter Letters patents Grants and Confirmations not only of Diverse Governours and Commanders in Chief in the said Province but also of several Governours Directors generals and Commanders in Chief of the Nether Dutch Nation whilst the Same was or has been under their power and Subjection. And

whereas diverse Lands Tenements and Hereditaments Jurisdictions Liberties Immunities and priviledges have heretofore been given and granted or mentioned to be given and granted to the Citizens and Inhabitants of the said City sometimes by the Name of Schout Burgo Masters and Schepens of the City of New Amsterdam and Sometimes by the name of the Mayor Aldermen and Commonalty of the City of New York Sometimes by the name of the Mayor Aldermen and Sheriff of the City of New York Sometimes by the name of the Mayor and aldermen and by diverse other names as by their Several Letters patents Charters grants writings Records and Immunities amongst other things may more fully appeare And whereas the Citizens and Inhabitants of the said City have Erected built and appropriated at their own proper Costs and charges Several publique Buildings Accomodations and Conveniences for the said City That is to Say the City Hall or Stathouse with the ground thereunto belonging two market Houses the Bridge into the Dock the Wharves or Dock with their appurtenances and the New Burial Place without the gate of the City and have Established and Settled one ferry from the Said City of New York to Long Island for the Accomodation and Conveniency of Passengers the Said Citizens and Travellers And whereas Several the Inhabitants of the Said City and of Manhattans Island do hold from and under his Most Sacred Majesty respectively as well by Several and respective Letters Patent grants Charters and Conveyances made and granted by the late Lieutenants Governours or Comanders in Chief of the Said province as otherwise Several and respective Messuages Lands Tenements and Hereditaments upon Manhattans Island and in the City of New York aforesaid and that as well the Said Mayor Aldermen and Commonalty of the Said City and their Successors as also the Inhabitants of the Said Manhattans Island and City of New York aforesaid and their Heirs and Assigns respectively may hold exercise and enjoy not only such and the Same Liberties priviledges and franchises rights Royalties free Customs Jurisdictions and Immunities as they have antiently had used held and enjoyed but also Such publick Buildings Accomodations Conveniences Messuages Tenements Lands and Hereditaments in the Said City of New York and upon Manhattans Island aforesaid which as aforesaid have been by the Citizens and Inhabitants Erected and built or which have as aforesaid been held enjoyed granted and Conveyed unto them or any of

them respectively Know ye therefore that I the Said Thomas Dongan by virtue of the Commission and Authority unto me given and power in me resideing at the Humble Petition of the now Mayor Aldermen and Commonalty of the Said City of New York and for diverse other good causes and Considerations me thereunto moving Have given granted ratified and confirmed and by these presents for and on the behalf of his Most Sacred Majesty aforesaid his Heirs Successors and Assigns Do give grant ratify and Confirm unto the Said Mayor Aldermen and Commonalty of the Said City all and every Such and the Same Liberties priviledges ffranchises rights Royalties ffree Customs Jurisdictions and Immunities which they by the name of the Mayor Aldermen and Commonalty or otherwise have antiently had held used or enjoyed Provided always that none of the Said Liberties Priviledges ffranchises rights free customs Jurisdictions or Immunities be inconsistent with or repugant to the Laws of his Majesties Kingdom of England or any other the Laws of the general Assembly of this province and the aforesaid Publick Buildings Accomodations and Conveniencies in the Said City that is to Say the aforesaid City Hall or stathouse with the ground thereunto belonging two Market houses the Bridge into the Dock the wharves or Dock the Said new burial place and the aforementioned fferry with their and every of their rights members and appurtenances together with all the profits benefits and advantages which Shall or may accrue and arise at all times hereafter for Dockage or Wharfage within the said Dock with all and Singular the rents Issues profits gains and advantages which Shall or may arise grow or Accrue by the Said City Hall or Stat-house and ground thereunto belonging Market houses Bridge Dock Burying place fferry and other the above mentioned premises or any of them and also all and every the Streets Lanes High ways and Alleys within the said City of New York and Manhattans Island aforesaid for the publick use and Service of the Said Mayor Aldermen and Commonalty of the Said City and of the Inhabitants of Manhattans Island aforesaid and Travellers there together with full power Lycence and Authority to the Said Mayor Aldermen and Commonalty and their Successors for ever to Establish appoint Order and direct the Establishing making laying out ordering amending and repaireing of all Streets Lanes Alleys High ways water Courses ferry and bridges in and throughout the Said City of New York and Manhattans Island aforesaid necessary needfull and convenient for the Inhabitants

of the Said City and Mannhattans Island aforesaid and for all Travellers and passengers there Provided always that this Said Lycence So as above granted for the Establishing making and laying out of Streets Lanes Alleys Highways fferry and bridges be not extended or be Construed to extend to the taking away of any person or persons right or property without his her or their Consent or by Some known Law of the said province And for the Considerations aforesaid I do likewise give grant ratify and Confirm unto all and every the respective Inhabitants of the Said City of New York and of Mannhattans Island aforesaid and their several and respective Heirs and Assigns all and every the several and respective Messuages Tene-ments Lands and Hereditaments Situate Lyeing and being in the Said City and Mannhattans Island aforesaid to them Severally and respectively granted Conveyed and confirmed by any of the late Governours Lieuten-ants or Commanders in Chief of the Said province or by any of the former Mayors or Deputy Mayors and Aldermen of the Said City of New York by Deed grant Conveyance or otherwise how-soever To hold to their Several and respective Heirs and Assigns for ever And I do by these presents give and grant unto the Said Mayor Aldermen and Commonalty of the Said City of New York all the wast vacant unpatented and unappropriated lands lyeing and being within the Said City of New York and on Mannhattans Island aforesaid extending and reaching to the low water mark in by and through all parts of the Said City of New York and Mannhattans Island aforesaid together with all Rivers Rivolets Coves Creeks ponds waters and watercourses in the Said City and Island or either of them not heretofore given or granted by any of the former Governours Lieutenants or Comanders in Chief under their or Some of their hands and Seales or Seal of the province or by any of the former Mayors or Deputy Mayors and Aldermen of the Said City of New York to Some respective person or persons late Inhabitants of the Said City of New York or Mannhattans Island or of other parts of the Said Province And I do by these presents give grant and confirm unto the Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors forever the Royalties of fishing fowling hunting hawking Minerals and other Royalties and Priviledges belonging or appertaining to the City of New York and Mannhattans Island aforesaid (Gold and Silver mines only excepted) To have hold and enjoy all and Singular the premises to the

Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors forever Rendering and paying therefore unto his Most Sacred Majesty his Heirs Successors or Assignes or to such Officer or Officers as Shall be Appointed to receive the Same Yearly forever hereafter the Annual Quit rent or Acknowledgment of one Beaver Skin or the vallue thereof in Current money of this province in the Said City of New York on the five and twentieth day of March Yearly forever And Moreover I will and by these presents do grant appoint and declare that the Said City of New York and the Compass precincts and Limits thereof and the Jurisdiction of the Same Shall from henceforth extend and reach it Self and may and Shall be able to reach forth and extend it Self as well in Length and in breadth as in Circuit to the furthest Extent of and in and throughout all the Said Island Mannhattans and in and upon all the Rivers Rivoletts Coves Creeks waters and water courses belonging to the Same Island as far as low water mark and I do also for and on Behalf of his Most Sacred Majesty aforesaid his Heirs and Successors firmly enjoin and Command that the aforesaid Mayor Aldermen and Commonalty of the City aforesaid and their Successors Shall and may freely and Quietly have hold use and enjoy the aforesaid Liberties Authorities Jurisdictions franchises rights Royalties priviledges Exemptions Lands Tenements Hereditaments and Premises aforesaid in manner and form aforesaid according to the tenour and Effect of the aforesaid grants patents Customs and Letters Patents of grant and Confirmation without the Let Hinderance or Impediment of me or any of my Successors Governours Lieutenants or other Officers whatsoever And Also I do for and on Behalf of his Most Sacred Majesty aforesaid his heirs and Successors grant to the Mayor Aldermen and Commonalty of the Said City of New York and their successors by these presents that for the better governing of the said City Liberties and precincts thereof there Shall be for ever hereafter within the Said City a Mayor and Recorder Town Clerk and Six Aldermen and Six Assistants to be appointed nominated elected Chosen and Sworn as hereinafter is particularly and respectively mentioned who Shall be forever hereafter called the Mayor Aldermen and Commonalty of the City of New York and that there Shall be for ever one Chamberlain Treasurer One Sheriff one Coroner One Clerk of the Market one high Constable seven subconstables and one Marshall or Serjeant at Mace to be appointed Chosen and Sworn in manner hereinafter mentioned

And I do by these Presents for and on the Behalf of his Most Sacred Majesty aforesaid his Heirs successors and assigns Declare Constitute grant and appoint that the Mayor Recorder Aldermen and Assistants of the said City of New York for the time being and they which hereafter shall be the Mayor Recorder and Aldermen and Assistants of the said City of New York for the time being and their Successors forever hereafter be and shall be by force of these presents one body Corporate and Politick in Deed fact and name by the name of the Mayor Aldermen and Commonalty of the City of New York and them by the name of the Mayor Aldermen and Commonalty of the City of New York One Body Corporate and Politick in Deed fact and name I do really and fully Create Ordaine make Constitute and Confirm by these presents And that by the Name of the Mayor Aldermen and Commonalty of the City of New York they may have perpetual Succession and that they and their Successors forever by the name of the Mayor Aldermen and Commonalty of the City of New York be and Shall be forever hereafter persons able and in Law capable to have get receive and possess Lands Tenements Rents Liberties Jurisdictions franchises and Hereditaments to them and their Successors in free Simple or for Term of Life Lives or years or otherwise and also goods and Chattles and also other things of what nature kind or quality Soever and also to give grant let set and Assign the same Lands Tenements hereditaments goods and Chattles and to do and execute all other things about the Same by the name aforesaid And Also that they be and forever shall be hereafter persons able in Law capable to plead and be impleaded answer and be answered unto defend and be defended in all or any of the Courts of his Said Majesty and other places whatsoever and before any Judges Justices and other person or persons whatsoever in all and all manner of Actions Suits Complaints Demands Pleas Causes and matters whatsoever of what nature kind or Quality Soever in the name and in like manner and form as other people of the Said Province being persons able and in Law capable may plead and be impleaded answer and be Answered unto defend and be defended by any lawfull ways and means whatsoever and that the Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors Shall and may forever hereafter have one Common Seal to Serve for the Sealing of all and Singular their Affairs and Businsses touching or

concerning the said Corporation and it shall and may be lawfull to and for the Said Mayor Aldermen and Commonalty of the said City of New York and their Successors as they shall See cause to break Change alter and new make their said Common Seal when and as often as to them Shall Seem Convenient And further know yee that I have Assigned named ordained and constituted and by These presents do assign name Ordain and Constitute Nicholas Bayard now Mayor of the Said City of New York to be present Mayor of the said City and that the said Nicholas Bayard Shall remaine and continue in the office of Mayor there untill another fit person Shall be appointed and Sworn in the Said Office according to the Usage and Custom of the said City and as in and by these presents is hereafter mentioned and directed and I have Assigned named Ordained and Constituted and by these presents do Assign name ordain and Constitute create and declare James Graham Esqr to be the present Recorder of the said City to do and execute all things which unto the office of Recorder of the Said City doth or may in anywise appertain or belong And I have Assigned named Ordained and Constituted and by these presents do Assign Name Ordain Constitute create and declare John West, Esqr. Town Clerk of the Said City to do and execute all things which unto the Office of Town Clerk may any wise appertain or belong And I have named Assigned Constituted and made and by these presents do Assign name Constitute and make Andrew Bown John Robinson William Beekman John Delavall Abraham Depeyster and Johannes Kip Citizens and Inhabitants of the Said City of New York to be the present aldermen of the said City And also I have made Assigned named and Constituted and by these presents do assign name Constitute and make Nicholas Demyer Johannes Van Brugh John De Bruyne Theunis Dekey Abraham Corbit and Wolfert Webber Citizens and Inhabitants of the Said City to be the present Assistants of the said City And also I have Assigned chosen named and constituted and by these presents do assign choose name and constitute peter Delancy Citizen and Inhabitant of the Said City to be the present Chamberlain or Treasurer of the City aforesaid and I have Assigned named constituted and appointed and by these presents do assign name Constitute and appoint John Knight Esqr one other of the Said Citizens there to be present Sheriff of the said City and have Assigned named Constituted and appointed and by these presents do assign name Constitute and appoint Jarvis Marshall one other of the Said Citizens there

to be the present Marshall of the Said City And I do by these presents grant to the Said Mayor Aldermen and Commonalty of the said City of New York and their Successors that the Mayor Recorder Aldermen and Assistants of the Said City for the time being or the Mayor Recorder and any three or more of the Aldermen and any three or more of the Assistants for the time being be and shall be called the Common Councill of the said City and that they or the greater part of them Shall or may have full power and Authority by virtue of these presents from time to time to call and hold Common Councill within the Common Councill house or City Hall of the Said City and there as Occasion Shall be to make Laws Orders Ordinances and Constitutions in writing and to add alter Diminish or reform them from time to time as to them Shall Seem necessary and convenient (not repugnant to the prerogative of his most Sacred Majesty aforesaid his Heirs and Successors or to any of the Laws of the Kingdom of England or other the Laws of the general assembly of the province of New York) for the good rule Oversight Correction and government of the said City and Liberties of the Same and of all the Officers thereof and for the Several Tradesmen Victuallers Artificers and of all other people and Inhabitants of the said City Liberties and precincts aforesaid and for the better preservation of Government and Disposall of all Lands Tenements and Hereditaments goods and Chattles of the said Corporation which Laws Orders Ordinances and Constitutions Shall be binding to all the Inhabitants of the Said City Liberties and precincts aforesaid and which Laws Orders Ordinances and Constitutions so by them made as aforesaid shall be and remain in force for the Space of three Months and no longer unless they Shall be allowed of and Confirmed by the Governour and Councill for the time being And I do further on the behalf of his Sacred Majesty aforesaid his Heirs and Successors appoint and grant that the said Common Councill of the said City for the time being as often as they make Ordain and Establish Such Laws Orders Ordinances and Constitutions as aforesaid Shall or may make Ordain Limitt provide Set impose and tax reasonable fines and Amerciaments against and Upon all persons Offending against Such Laws Orders Ordinances and Constitutions as aforesaid or any of them to be made Ordained and Established as aforesaid and the Same ffines and Amerciaments Shall and may require Demand Levy take and receive by warrants under the Common Seal to and for the use and Behoof of the Mayor Aldermen and Com-

monalty of the Said City and their Successors either by Distress and Sale of the goods and Chattles of the Offender therein if Such goods and Chattles may be found within the Said City Liberties and precincts thereof rendering to Such Offender and Offenders and Overplus or by any other lawfull ways or means whatsoever and I do by these presents appoint and ordain the Assigning naming and appointment of the Mayor and Sheriff of the Said City that it Shall be as followeth vizt : upon the feast day of St. Michael the Arch Angell Yearly the Lieutenant Governour or Commander in Chief for the time being by and with the advice of his Councill Shall nominate and appoint such person as he shall think fit to be Mayor of the said City for the year next ensueing and one other person of Sufficent Ability and Estate and of good capacity in Understanding to be Sheriff of the Said City of New York for the Year next ensueing and that Such person as Shall be named assigned and appointed Mayor and Such person as Shall be named assigned and appointed Sheriff of the Said City as aforesaid Shall on the fourteenth day of October then next following take their Several and respective Corporal Oaths before the Governour and Councill for the time being for the due Execution of their respective offices as aforesaid and that the said Mayor and Sheriff so to be nominated assigned and appointed as aforesaid Shall remain and continue in their said respective Offices untill another fit person Shall be nominated and Sworn in the place of Mayor and one other person Shall be nominated and appointed in the place of Sheriff of the Said City in manner aforesaid And further that According to the now Usage and Custom of the Said City the Recorder Town Clerk and Clerk of the Market of the Said City Shall be persons of good Capacity and Understanding and Such persons as his Most Sacred Majesty aforesaid his Heirs and Successors Shall in the Said respective Offices of Recorder Town Clerk and Clerk of the Market appoint and Commissionate and for defect of Such Appointments and Commissionating by his Most Sacred Majesty aforesaid his Heirs and Successors to be Such persons as the Lieutenant Governour or Commander in Chief of the Said province for the time being Shall appoint and Commissionate which persons So Commissionated to the Said Offices of Recorder Town Clerk and Clerk of the Market Shall have hold and enjoy the Said Offices according to the Tenour and Effect of their Said Commissions and not otherwise And further that the Recorder Town Clerk and Clerk of the Market Aldermen Assist-

ants Chamberlain High Constable petty Constables and all other Officers of the said City before they or any of them Shall be admitted to enter upon and execute their respective Offices Shall be Sworn faithfully to Execute the Same before the Mayor or any three or more of the Aldermen for the time being And I do by these presents for and on the Behalf of his Most Sacred Majesty his Heirs and Successors grant and give power and Authority to the Mayor and Recorder of the Said City for the time being to administer the Same respective Oaths to them accordingly And further I do by these presents grant for and on the Behalf of his Most Sacred Majesty aforesaid his Heirs and Successors that the Mayor and Recorder of the Said City for the time being and three or more of the Aldermen of the Said City not exceeding five Shall be Justices and keepers of the peace of his Most Sacred Majesty his Heirs and Successors and Justices to hear and determine matters and causes within the Said City and Liberties and Precincts thereof and that they or any three or more of them whereof the Mayor and Recorder or one of them for the time being to be there Shall and may forever hereafter have power and Authority by virtue of these presents to hear and determine all and all manner of petty Larcencies Riots Routs Oppressions Extortions and other trespasses and Offences whatsoever within the Said City of New York and the Liberties and Precincts aforesaid from time to time arising and happening and which arise or happen and any ways belong to the Offices of Justices of the peace and the Correction and punishment of the Offences aforesaid and every of them according to the Laws of England and the Laws of the Said province and to do and Execute all other things in the Said City Liberties and precincts aforesaid So fully and in ample manner as to the Commissioners Assigned and to be Assigned for the keeping of the peace in the Said County of New York doth or may belong And Moreover I do by these Presents for and on the behalf of his Most Sacred Majesty aforesaid his Heirs and Successors appoint that the Aldermen Assistants High Constables and Petty Constables within the Said City be yearly chosen on the feast day of Saint Michael the Arch Angell forever vizt: One Alderman One Assistant and One Constable for each respective ward and One Constable for each Division in the Outward in Such Publick place in the Said respective wards as the Aldermen for the time being for each ward Shall direct and appoint and that the Aldermen Assistants and Petty Constables be chosen by a

Majority of voices of the Inhabitants of each ward and that the High Constable be appointed by the Mayor of the Said City for the time being and that the Chamberlain Shall be yearly chosen on the Said feast day in the Said City Hall of The Said City by the Mayor and Aldermen and Assistants or by the Mayor or three or more of the Aldermen and three or more of the Assistants of the Said City for the time being and I do by these presents Constitute and appoint the said John West to be the present Town Clerk of the peace and Clerk of the Court of pleas to be holden before the Mayor Recorder and Aldermen within the Said City and the Liberties and precincts thereof and further I do by these presents for and on behalf of his Most Sacred Majestie aforesaid his Heirs and Successors require and Strictly charge and command that the Sheriff Town Clerk Clerk of the peace high Constable petty Constables and all other Subordinate Officers in the Said City for the time being and every of them respectively jointly and Severally as cause Shall require Shall attend upon the Said Mayor Recorder and Aldermen of the Said City for the time being and every or any of them according to the duty of their respective places in & about the executeing of Such the Commands precepts Warrants and processes of them and every of them as belongeth and appertaineth to be done or executed and that the aforesaid Mayor Recorder and Aldermen and every of them as Justices of the peace for the time being by their or any of their Warrants all and every person and persons for high Treason or petty Treason or for suspition thereof or for other ffelonies whatsoever and all Malefactors and Disturbers of the peace and other Offenders for other Misdemeanours who Shall be apprehended within the Said City or Liberties thereof Shall and may send and commit or cause to be Sent and Committed to the Common goal of the Said City thereto remaine and be kept in Safe custody by the Keeper of the Said Goal or his Deputy for the time being untill Such Offender and Offenders Shall lawfully Delivered thence and I do by these presents for and on the behalf of his Most Sacred Majesty aforesaid his Heirs and Successors charge and require the Keeper and Keepers of the said goal for the time being and his and their Deputy and Deputys to receive take and in safe custody to keep all and Singular Such person and persons so apprehended or to be apprehended Sent and Committed to the Said Goal by warrant of the Said Justices or any of them as aforesaid untill he and they so Sent and committed to the said goal shall from thence

be Delivered by due Course of law And further I do grant and confirm for and on the behalf of his Most Sacred Majesty aforesaid his Heires and Successors That the Said Mayor of the Said City for the time being and no other (according to the usage and custom practiced in the Said City of New York in the times of my predecessors the Several Lieutenant Governours and Commanders in Chief of this province) shall have power and Authority to give and grant Licences annually under the publick Seal of the said City to all Tavern keepers Innkeepers Ordinary keepers Victuallers and all publick Sellers of Wine Strong Waters Syder beer or any other Sort of Liquors by retaile within the City aforesaid Mannhattans Island or the Liberties and precincts thereof And that it shall and may be lawfull to and for the said Mayor of the said City for the time being to ask demand and receive for Such Lycense by him to be given and granted as aforesaid Such Sum or Sums of money as he and the person to whom Such Lycense Shall be given or granted Shall agree for not exceeding the Sum of thirty Shillings for each Lycense All which money as by the Said Mayor Shall be so received Shall be used and applyed to the publick use of the Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors without any Account thereof to be rendered made or done to any of the Lieutenants or Governours of this province for the time being or any of their Deputies And Know Yee that for the better government of the Said City and for the welfare of the Said Citizens tradesmen and Inhabitants thereof I do by these presents for and on the behalf of his Most Sacred Majesty his heirs and Successors give and grant to the Said Mayor Aldermen and Commonalty of the Said City and their Successors that the Mayor Recorder and Aldermen or the Mayor and any three or more of the Aldermen for the time being Shall from time to time and all times hereafter have full power and Authority under the Common Seal to make free Citizens of the Said City and Liberties thereof and no person or persons whatsoever other than Such free Citizens Shall hereafter use any Art trade Mystery or manual Occupation within the Said City Liberties and precincts thereof saving in the times of ffaires there to be kept during the Continuance of such ffaries only and in case any person or persons whatsoever not being free Citizens of the Said City as aforesaid Shall at any time hereafter use or exercise any Art trade Mystery or manual Occupation or Shall by himself themselves or others Sell or expose to

Sale any manner of Merchandise or wares whatsoever by Retaile in any house Shop or place or Standing within the Said City or the Liberties or precincts thereof no fair being then kept in the Said City and Shall persist therein after warning to him or them given or left by the appointment of the Mayor of the Said City for the time being at the place or places where Such person or persons Shall so use or exercise any Art trade Mystery or manual Occupation or Shall Sell or expose to Sale any wares or merchandises as aforesaid by retail then it Shall be lawfull for the Mayor of the Said City for the time being to cause Such Shop windows to be Shut up and also to Impose Such reasonable fine for Such Offence not Exceeding five pounds for every respective Offence and the same ffine and ffines So Imposed to Levy and take by Warrant under the Common Seal of the Said City for the time being by Distress and Sale of the goods and Chattles of the person or persons So Offending in the premises found within the Liberties or precincts of the Said City rendering to the party or parties the over plus or by any other lawfull ways or means whatsoever to the only Use of the Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors without any Account to be rendred made or done to the Lieutenants Governours or Commanders in Chief of this province for the Same Provided that no person or persons Shall be made free as aforesaid but Such as are his Majestys natural born Subjects or Such as Shall first be naturalized by Act of general Assembly or Shall have Obtained Letters of Denization under the hand of the Lieutenant Governour or Commander in Chief for the time being and Seal of the province And that all persons to be made free as aforesaid Shall and do pay for the Publick use of the Said Mayor Aldermen and Commonalty of the Said City Such Sum and Sums of money as heretofore hath been used and accustomed to be paid and received on their being admitted ffreemen as aforesaid provided it is not exceeding the sum of Five pounds And further I do by these presents for and on the behalf of his most Sacred Majesty aforesaid his Heirs and Successors grant to the Mayor Aldermen and Commonalty of the Said City that they and their Successors be for every persons able and capable and Shall have power to purchase have take and possess in ffee Simple Lands Tenements rents and other possessions within or without the Same City to them and their Successors forever So as the Same exceed not the yearly vallue of One thousand pounds P Annum

the Statute of Mortmain or any other Law to the Contrary notwithstanding and the Same Lands Tenements Hereditaments and premises or any part thereof to demise grant Lease Set over Assign and dispose at their own will and pleasure and to make Seal and Accomplish any Deed or Deeds Lease or Leases Evidences or writings for or concerning the Same or any part thereof which Shall happen to be made and granted by the Said Mayor Aldermen and Commonalty of the Said City for the time being And further I do by these presents for and on the behalf of his most Sacred Majesty aforesaid his Heirs and Successors grant to the said Mayor Aldermen and Commonalty that they and their Successors Shall and may forever hereafter hold and keep within the said City in every week of the year three market days the one upon Tuesday and the other upon thursday and the other upon Saturday weekly forever And also I do by these presents for and on the behalf of his most Sacred Majesty aforesaid his Heirs and Successors grant to the Mayor Aldermen and Commonalty of the Said City that they and their Successors and Assigns Shall and may at any time or times hereafter when it to them Shall Seem fit and convenient to take in fill up and make up and lay out all and Singular the Lands and grounds in and about the Said City and Island Mannhattans and the Same to build upon or make use of in any other manner or way as to them Shall Seem fit as far into the Rivers thereof and that encompass the Same as low water mark aforesaid And I do by these presents for and on the Behalf of his most Sacred Majesty aforesaid his Heirs and Successors give and grant unto the aforesaid Mayor Aldermen and Commonalty of the Said City of New York and their Successors that they and their Successors Shall and may have hold and keep within the Said City and Liberties and precincts thereof in every week in every year forever upon tuesday one Court of Common Pleas for all actions of debt Trespass trespass upon the Case Detinue Ejectment and other personal actions and the same to be held before the Mayor Recorder and Aldermen or any three of them whereof the Mayor or Recorder to be one who Shall have power to hear and determine the same pleas and actions according to the rules of the Common Law Acts of the General Assembly of the said Province And I do by these presents for and on behalf of his most Sacred Majesty aforesaid his Heirs and Successors grant to the said Mayor Aldermen and Commonalty of the Said City of New York and their Successors that the said Mayor Aldermen and Commonalty of the

Said City and their Successors Shall have and enjoy all the privileges franchises and powers that they have and use or that any of their predecessors at any time within the Space of Twenty Years last past had took or Enjoyed or ought have had by reason or under any pretence of any former Charter grant prescription or any other right custom or Usage although the Same have been forfeited lost or have been ill used or not used or abused or discontinued albeit they be not particularly mentioned and that no officer Shall Disturb them therein under any pretence whatsoever not Only for their future but their present Enjoyment thereof Provided always that the Said privileges franchises and powers be not inconsistent with or repugnant to the Laws of his Majesties Kingdom of England or other the Laws of the general Assembly of this Province as aforesaid And Saving to his most Sacred Majesty aforesaid his Heirs Successors and Assigns and the Lieutenants Governours and Commanders in Chief and other Officers under him and them in ffort James in or by the City of New York and in all the Liberties Boundaries extents privileges thereof for the maintenance of the said ffort and garrison there all the right Use title and Authority which they or any of them have had used or exercised there and also One Messuage or Tenement next the City Hall and one Messuage by the ffort now in the possession of Thomas Coker gent the peece of ground by the gate called the Governours garden and the Land without the gate called the Kings ffarm with the Swamp next to the Same Land by the ffresh water and Saving the Several rents and Quit rents reserved due and paiable from Several persons Inhabiting within the Said City and Island of Manhattans by virtue of former grants to them made and given and saving to all other bodies Politick and Corporate their Heirs Successors and Assigns all Such right title and claim possessions rents Services Commons Emoluments Interest in and to anything which is theirs (save only the franchises aforesaid) in as ample manner as if this Charter had not been made And Further I do appoint and Declare that the Incorporation to be founded by this Charter Shall not at any time hereafter do or suffer to be done anything by means whereof the Lands Tenements or Hereditaments Stock goods or Chattles thereof or in the hands custody possession of any of the Citizens of the said City Such as have been Set let given granted or collected to and for the pious and charitable uses Shall be wasted or misemployed contrary to the Trust or Intent of the ffounder or giver thereof and that Such and no

other Construction Shall be made thereof than that which may tend most to advantage religion Justice and the publick good and to Suppress all Acts and Contrivances to be Invented or put in use contrary thereunto In Witness whereof I have caused these presents to be entred in the Secretarys Office and the Seal of the Said Province to be hereunto affixed this Seven and twentieth day of April in the second year of the reign of his most Sacred Majesty aforesaid and in the year of our Lord God One thousand Six hundred and Eighty Six Thomas Dongan. By Virtue Or under pretext whereof the said Citizens and Inhabitants from the date thereof hitherto have held or claim to hold and Still do hold or claim to hold and enjoy all and Singular the rights priviledges franchises Preheminencies Advantages Jurisdictions Courts powers profits Immunities Lands Tenements hereditaments and other the premises therein particularly mentioned and thereby intended to be granted And Whereas the Citizens and Inhabitants of the Said City of New York besides the Several publick Buildings accommodations Conveniences and other things in the before recited grant or writing mentioned to have been by them erected built and appropriated have Since the making thereof built and appropriated at their own proper costs and charges several Publick buildings Accommodations and Conveniences for the said City that is to say the present City Hall Goals Rooms and places for the Sitting of Courts of Justice and Chambers adjoining with the ground and appurtenances thereunto belonging ffive Market Houses the present Crane and Bridge with the Common Shore leading through the great Dock and a Magazine or powder house near the ffresh water and Several other Publick Buildings and Conveniences in the said City and have built the new fferry houses on the Island of Nassau for the Reception of Travellers with a Barn Stables and Penn or pound for Cattle And Whereas Our late Royal predecessor Queen Anne by her Letters patent under the broad Seal of the province of New York made bearing date the nineteenth day of April in the Seventh year of her reign Did grant ratify and Confirm unto the then Mayor Aldermen and Commonalty of the City of New York and to their Successors and Assigns in these words ffollowing to witt Anne by the grace of God of England Scotland ffrance and Ireland Queen Defender of the ffaith &c. To all whom These presents may in any wise Concern Sendeth greeting Whereas the Mayor Aldermen and Commonalty of the City of New York by their Petition to our right

Trusty and well beloved Cousin Edward Viscount Cornbury our Captain General and Governour in Chief in and over our Province of New York and Territories depending thereon in America and Vice Admiral of the Same &c preferred in Council therein Setting forth that they having a right and Interest under diverse antiant Charters and grants by diverse former Governours and Commanders in chief of our Said Province of New York under our Noble Progenitors in a certain fferry from the said City of New York over the East River to Nassau Island (alias Long Island) and from the said Island to the said City again and have possessed the same and received all the profits, benefits and Advantages thereof for the Space of ffifty Years and upwards and perceiving the proffits Advantages and benefits usually issueing out of the same to diminish decrease and ffall Short of what might be reasonably made of the Same for the want of the bounds and Limits to be extended and Enlarged on the Said Island Side whereby to prevent diverse persons transporting themselves and goods to and from the said Island Nassaw (als Long Island) over the said River without coming or landing at the usual and accustom'd places where the fferry boats are usually kept and appointed to the great loss and Damage of the said City of New York have humbly pray'd our grant and Confirmation under the great Seal of our said Province of New York of the said fferry called the Old fferry on both Sides of the Said East River for the transporting of passengers goods Horses and Cattle to and from the Said City as the Same is now held and enjoyed by the Said Mayor Aldermen and Commonalty of the Said City of New York or their Undertenant or Undertenants and also of all that the vacant and unappropriated Land from high water mark to low water mark on the Said Nassaw Island (als Long Island) lying contiguous and fronting the said City of New York from a certain place called the Wallabout unto the red hook over against Nutten Island for the better Improvement and Accommodation of the said fferry with full power leave and lycense to Set up Establish maintain and keep one or more fferry or fferrys for the Ease and Accommodation of all Passengers and Travellers for the transportation of themselves goods Horses and Cattle over the Said River within the Bounds aforesaid as they Shall See meet and convenient and occasion require and to Establish Ordain and make By Laws Orders and Ordinances for the due and orderly regulation of the Same The which Petition we being minded to grant Know ye that of our Especial

grace certain knowledge and meer motion we have given granted ratified and confirmed and in and by these presents for us our heirs and Successors we do give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and to their Successors and Assigns All that the said fferry called the old fferry on both Sides of the said East river for the transportation of passengers goods horses and Cattle over the said River to and from the Said City and Island as the same is now used held and Enjoyed by the Said Mayor Aldermen and Commonalty of the City of New York or their Undertenant or Undertenants with all and Singular the usual and accustom'd fferriage ffees perquisites rents Issues profits and other benefits and advantages whatsoever to the Said Old fferry belonging or therewith used or thereout ariseing and also all that the aforesaid vacant and unappropriated ground lyeing and being on the said Nassaw Island (als Long Island) from high water mark to low water mark aforesaid contiguous and fronting the Said City of New York from the aforesaid place called the Wallabout to red Hook aforesaid that is to say from the East side of the Wallabout opposite the now Dwelling house of James Bobine to the west Side of the red Hook commonly called the ffishing place with all and Singular the appurtenances and Hereditaments to the Same or any part or parcell thereof belonging or in any wise of right appertaining together with all and Singular the rents Issues profits ways waters Easments and all other benefits profits Advantages and appurtenances which heretofore have now Are and which hereafter Shall belong to the said fferry Vacant Land and premises hereinbefore granted and confirmed or to any or either of them in any wise appertaining or which heretofore have been now are and which hereafter Shall belong be used held received and enjoyed and all our Estate right title and Interest benefit and Advantage claim and Demand of in or to the Said fferry vacant Land and premises or any part or parcell thereof and the Reversion and Reversions remainder and remainders together with the Yearly and other Rents Revenues and profits of the premises and of every part and parcell thereof (Except and always reserved out of this our present grant and Confirmation free liberty leave and Lycense to and for all and every person or persons Inhabiting or having plantations near the said River by the water side within the Limits and Bounds above mentioned to transport themselves goods Horses and Cattle over the Said River to and

from the Said City of New York and Nassaw Island (als Long Island) to and from their respective Dwellings or plantations without any fferriage or other Account to the said fferry hereby granted and confirmed to be paid or given so always as the Said person or persons do transport themselves only and their own goods and in their own boats only and not any Stranger or their goods Horses or Cattle or in any other Boat To have and To hold all and Singular the Said fferry vacant Land and premises hereinbefore granted and confirmed or meant mentioned or Intended to be hereby granted and confirmed (except as is herebybefore excepted) and all and Singular the rents Issues profits rights members and appurtenances to the same belonging or in any wise of right appertaining unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors and Assigns for ever to the only proper use and behoof of the Said Mayor Aldermen and Commonalty of the City of New York and their Successors and Assigns forever To be holden of us our Heirs and Successors in ffree and Common Soccage as of our Mannor of East Greenwich in the County of Kent within our Kingdom of England Yielding rendring and praying unto us our heirs and Successors for the same yearly at our Custom house of New York to our Collector and Receiver general there for the time being at or upon the ffeast of the Nativity of St John the Baptist the yearly rent or Sum of ffive Shillings Current money of New York And we do further of our especial grace certain knowledge and meer motion for us our Heirs and Successors give and grant unto the Said Mayor Aldermen and Commonalty and their Successors full and free leave and Lyncense to Sett up Establish keep and maintain one or more fferry or fferrys as they shall from time to time think fit and convenient within the Limitts and bounds aforesaid for the ease and Accomodation of transporting of passengers goods Horses and Cattle between the said City of New York and the said Island (except as is hereinbefore excepted) under Such reasonable rates and payments as have been usually paid and received for the same or which at any time hereafter Shall be by them Established by and with the consent and approbation of our Governour and Council of our Said province for the time being And we do further of our Especial grace certain knowledge and meer motion give and grant unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors full and absolute power and authority to make Ordain Establish Constitute and confirm all manner

of By Laws Orders rules Ordinances and Directions for the more orderly keeping and regularly maintaining the aforesaid fferry that now is kept, or any fferry or fferrys which Shall at any time or times hereafter be Set up established or kept within the bounds aforesaid by virtue hereof or of for touching or concerning the same (So always as the Same be not contrary to our Laws of England and of our Province of New York) and the same at all times hereafter to put in Execution or Abrogate revoke Or change as they in their good Discretion Shall think fit and most convenient for the due and orderly keeping regulating and governing the Said fferry or fferrys herein before mentioned And lastly Our will and pleasure is and we do hereby declare and grant that these our Letters patent or the Record thereof in the Secretarys Office of our said Province of New York Shall be good and effectual in the Law to all Intents and purposes whatsoever notwithstanding the not true and well reciteing or mentioning of the premises or any part thereof or the Limitts and bounds thereof or of any former or other Letters patents or grants whatsoever made or granted or of any part thereof by us or any of our progenitors unto any person or persons whatsoever bodys Politick or Corporate or any Law or other Restraint Incertainty or Imperfection whatsoever to the contrary or in any wise Notwithstanding and although express mention of the true yearly Value or certainty of the premises or any of them or of any other gifts or grants by us or by any of our progenitors heretofore made to the Said Mayor Aldermen and Commonalty of the City of New York in these presents is not made or any other matter cause or thing whatsoever to the contrary thereof in any wise notwithstanding In Testimony whereof we have caused these our Letters to be made patent and the seal of our Said province of New York to our Said Letters patent to be affixed and the Same to be recorded in ye Secretarys Office of our Said Province Witness our right trusty and well beloved Cousin Edward Viscount Cornbury Captain General and Governour in chief in and over our province of New York aforesaid and territories thereon Depending in America and Vice Admiral of the same &c in Council at our ffort in New York the nineteenth day of April in the seventh year of our reign Annoq Domini, One thousand Seven hundred and eight By virtue or under pretext whereof the said Inhabitants and Citizens of the City of New York have held and Enjoyed or have claimed to hold and enjoy and Still do hold or claim to hold the fferry vacant Land perquisites profits priviledges powers

and other the premises in the before recited Letters patent mentioned and intended to be thereby granted And Whereas besides all the aforesaid particulars in the said grant or Instrument made in the aforesaid year of our Lord One thousand Six hundred eighty and Six and in the before recited Letters patent of Queen Anne mentioned or intended to be thereby granted the Citizens and Inhabitants of the said City of New York have antiently held or claimed to hold use and enjoy diverse and Sundry other rights priviledges ffranchises preheminences Advantages Jurisdictions Emoluments powers profits Immunities Lands Tenements and other hereditaments as well by prescription as by diverse grants and Confirmations of and from Divers Governours Lieutenant Governours and Commanders in Chief of the said province by the Name of the Mayor Aldermen and Commonalty of the City of New York and by diverse other names Stiles and Titles and otherwise And Where as diverse Questions Doubts Opinions Ambiguties Controversies and Debates have arisen and been made as well upon and concerning the validity and force of the said recited grant or writing dated in the year of our Lord One thousand Six hundred and eighty six and the before recited Letters patent of Queen Anne as upon all and every the other grants and Confirmation of diverse Governours Lieutenant Governours and Commanders in chief made to our City of New York as aforesaid by reason of the variety of Names Stiles Titles and Incorporations aforesaid and by reason that the before recited grant or Instrument dated in the Year of our Lord One thousand Six hundred and eighty Six and the other grants and Confirmations of diverse Governours Lieutenant Governours and Commanders in chief were made in the Governours own names respectively when they should have been made in the respective names Stiles and titles of fformer Kings and Queens our Royal Predecessors under whom they were Governours Lieutenant Governours or Commanders in chief respectively and by reason as Some Suggest and Say that the said City or Inhabitants or Citizens thereof never were well regularly or legally Incorporated and for want thereof none of all the said grants Confirmations Instruments or Letters patent hereinbefore mentioned Could take Effect or Operate and for diverse other Defects in all Some or one of the aforesaid grants Confirmations and writings and also upon the validity and force of the Prescription aforesaid And whereas our well beloved Subjects the Mayor Aldermen and Commonalty of our Said City of New York by their humble petition

presented to our Trusty and well beloved John Montgomerie Esqr our Captain general and Governour in Chief of our provinces of New York and New Jersey and Territories depending thereon in America and Vice Admirall of the same &c In Council Reciting among other things that the City of New York is an antient City and the Citizens thereof have antiently held and used and still do hold and use diverse and Sundry rights Libertys priviledges ffranchises free customs preheminences advantages Jurisdctions Emoluments Immunities Lands Tenements publick buildings and hereditaments as well by the name of the Mayor Aldermen and Commonalty of the City of New York as otherwise to the advancement of the said City in its Number of Buildings and Inhabitants whereby the said City is become a considerable Seaport and exceedingly necessary and usefull to our Kingdom of great Britain in Supplying our governments in the west Indies with bread flower and other provisions wherefore they pray'd among other things for our Confirmation and grant to the Said City and Corporation by the name Stile and title of the Mayor Aldermen and Commonalty of the City of New York of all their Lands Tenements publick buildings and hereditaments wharves Docks Bridges Slips fferrys Cranes Grants Charters rights Liberties priviledges ffranchises ffree Customs preheminences advantages Jurisdctions Emoluments and Immunties now and heretofore by them held and enjoyed and that they might have the Soil ffour hundred ffoot beyond low water marke on Hudsons River from a certain Creek or Kill called Vestavers Killitie Southward to the ffort and from thence the same Number of ffeet beyond low water mark round the ffort and along the East river as ffarr as to the North Side of a certain Hill called Corlaers hook and also for a grant of Such other powers Liberties ffranchises rights ffree Customs Jurisdctions priviledges Immunities and things as may be needfull for the good rule and government of the Said City And Wee Considering that the Strength and Encrease of our good Subjects in that our ffrontier province of New York does in a greater measure depend upon the wellfare and prosperity of our said City wherein the Trade and Navigation thereof are chiefly and principally carried on promoted and Encouraged and we affecting the good and happy Estate of our Said City and the Steady loyalty and Integrity of the Inhabitants and Citizens thereof are very desireous and willing to give Encouragement to the said City Inhabitants and Citizens and to remove utterly abolish and wholly take away all and all

manner of Causes Occasions and matters whereupon Such Questions Doubts Opinions Ambiguities Controversies or Debates as aforesaid or any other Questions or Doubts may or can arise And in Order thereto we have thought fit them the said Inhabitants and Citizens of the Said City of New York (by whatsoever Name or Names they have been or were Incorporated or whether they have been or were heretofore Incorporated or not) into One body politick and Corporate by the Name of The Mayor Aldermen and Commonalty of the City of New York by our Letters to make Constitute Confirm renew and of New to create And we being also further willing and fully Intending and Desireing that the said Inhabitants and Citizens of our said City by the name aforesaid Should have perpetual Succession and Should hold possess and enjoy all and Singular the rights priviledges Liberties franchises preheminences Advantages Jurisdictions Courts powers Offices Authorities fferries ffees ffines perquisites proffits Immunities rents possessions Lands Tenements and other Hereditaments not only which in the before recited grants Confirmations writings and Letters patent are mentioned or Intended to be thereby granted but also which they have held or claim to hold by prescription or otherwise with the Alterations and Enlargements thereof and additions thereto in Such manner and fform as herein after is mentioned and contained notwithstanding the before mentioned or any other Questions Doubts Opinions Ambiguities Debates ffaults or Imperfections Wherefore Know Yee that we of our Especial grace certain knowledge and meer motion have willed Ordained Constituted Confirmed given and granted and by these presents for us our Heirs Successors Do will Ordain Constitute Confirm give and grant that our Said City of New York be and from henceforth forever hereafter shall be and remaine a free City of itself and that the Mayor Aldermen and Commonalty of the Said City and their Successors from henceforth and forever hereafter Shall be and remain one body Corporate and politick in Re facto et Nomine by the Name of the Mayor Aldermen and Commonalty of the City of New York And them and their Successors by the name of the Mayor Aldermen and Commonalty of the City of New York one body Corporate and politick in Re facto et Nomine really and fully We do for us our Heirs and Successors Erect make Ordain Constitute Confirm declare and Create by these presents and that by the Name they Shall and may have perpetual Succession and also that they and their Successors by the Said Name of the

Mayor Aldermen and Commonalty of the City of New York be and forever hereafter Shall be persons able in Law and capable to Sue and be Sued Implead and be Impleaded Answer and be answered unto Defend and be defended in all Courts and places before us Our Heirs and Successors and before all and any the Judges Justices Officers and Ministers of us Our Heirs and Successors and elsewhere in all and all manner of Actions Suits Complaints pleas Causes matters and Demands whatsoever and of what kind or nature Soever in as full and ample manner and form as any of our other Liege Subjects of our Said province being persons able and capable in Law can or may Sue and be Sued Implead and be Impleaded Answer and be answered unto Defend and be Defended by any lawfull ways and means whatsoever And also that they and their Successors by the Same Name of the Mayor Aldermen and Commonalty of the City of New York be and Shall be forever hereafter persons capable and able in Law to purchase take hold receive enjoy and have any Messuages houses buildings Lands Tenements rents possessions and other Hereditaments and Real Estate within or without our Said province in ffee and forever or for term of Life or Lives or years or in any other manner and also goods Chattles and all other things of what kind or quality Soever And also that they and their Successors by the Same Name of the Mayor Aldermen and Commonalty of the City of New York Shall and may give grant Demise Assign and Sell or otherwise dispose of all or any the Messuages Houses Buildings Lands Tenements Rents possessions and other Hereditaments and real Estate and all their goods Chattles and other things aforesaid as to them Shall Seem meet at their own will and pleasure And also that the Said Mayor Aldermen and Commonalty of the City of New York for the time being and their Successors Shall and may forever hereafter have and use a Common Seal for Sealing all and Singular Deeds grants Conveyances Contracts Bonds Articles of Agreements Assignments powers Authoritys and all and Singular their affairs and things touching or concerning the Said Corporation And by virtue of these our Letters it Shall and may be lawfull to and for the Said Mayor Aldermen and Commonalty of the City of New York and their Successors as they Shall See cause to break change and new make the Same or any other Common Seal when and as often as to them it Shall Seem Convenient And We do further of our Especial grace certain knowledge and meer motion for us our

Heirs and Successors give grant Order and appoint that the Said City of New York and the Compass precincts Circuit Bounds Liberties and Jurisdictions of the Same do reach extend and Streatch forth and Shall and may reach extend and Stretch forth as well in length as in breadth and Circuit in and through the Limitts and Boundarys ffollowing to witt To Begin at the River Creek or Run of water called Spyt Den Duyvel over which Kings Bridge is built where the Said River or Creek Empties it Self into the North river on Westchester Side thereof at Low water mark and So to run along the Said River Creek or Run on Westchester Side at low water mark unto the East River or Sound and from thence to cross over to Nassaw Island to low water mark there Including great Barn Island little Barn Island and Mannings Island and from thence all along Nassaw Island Shore at low water mark unto the South Side of the red Hook and from thence to run a Line across the North River So as to Include Nutten Island Bedlows Island Bucking Island And the Oyster Island to low water mark on the west Side of the North river or so far as the Limitts of our Said Province Extend there and so to run up along the west Side of the Said River at low water mark or along the Limitts of our Said province untill it come directly opposite to the first mentioned river or Creek and thence to the place where the Said Boundarys ffirst began And Also that the Said City Within the Limits and Jurisdictions thereof as aforesaid be and forever hereafter Shall be and remain divided into Seven Wards to Witt the West Ward the South Ward the Dock ward the East ward the North ward Montgomerie ward and the Out ward each and every of Which Ward Shall contain and Comprehend and Reach and Extend through the Several Limitts and Bounds following (towit) the West Ward to begin at the Middle of the East End of the Street that goes from the parade to the North River between the Lott of ground now in ffence belonging to Charles Sleigh and the house and ground late of Thomas Elde and from thence to run a direct Line over to the Middle of the west End of Beaver Street and So along the Middle of Beaver Street till it comes directly opposite to the middle of the Sound End of New Street and then to run along the Middle of New Street to the North End thereof and from thence to run to the Rear of the Dwelling house now in the possession of Domine Dubois and from thence to run all along the rear of the Houses that front the Broadway up to the North part of the rear of Spring garden

house and from thence to run up a Line as the Broadway runs to the end thereof Includeing the Said Broad Way and John Harris his house and to Include all other Houses hereafter to be built fronting the said Broadway and from the North End of the Broadway to continue and run a Line as the Said Street runs untill it Comes directly opposite to Bestavers Killitie or Rivulet and from thence to run to the Said Bestavers Killitie and so to Continue the Said Line to ffour Hundred ffoot beyond low water mark into the North River and so down the Said North River always keeping ffour hundred ffoot beyond low water mark untill it comes directly opposite to the middle of the West End of the first mentioned Street and So to run to and through the middle of the Said Street to the place where the said West Ward first began The South Ward to Begin at the middle of Wall Street Where the Line of the West Ward runs across the Same and from thence down the middle of Wall Street untill it comes directly opposite to the middle of the North end of broad Street and from thence down the middle of broad Street to the Long bridge and from thence to the Eastward of and to Include the Said Long bridge and the market House at the South End of the Said Street and from thence to Continue and run a South East Line across the East River to low Water Mark on Nassaw Island Shore and from thence to run a long the Said Shore at low water mark to the South Side of Red Hook and from thence to run a Line across the North River So as to Include Nutten Island Bedlows Island Bucking Island and the Oyster Island to low water mark on the West Side of the North River and So to run up along the West Side of the Said River at low water marke untill it comes directly Opposite to Bestavers Killitie or Rivulet and from thence to run to the North Westerly Corner of the West ward at four hundred ffoot beyond low water mark and from thence along the Bounds of the Said West ward till it comes to the South westerly end thereof and from thence Still along the bounds of the West ward through the Street by the parade and through Beaver Street and New Street to the place where the Said South Ward began The Dock Ward to begin at the middle of Wall Street directly opposite to the middle of the North End of broad Street and from thence down through the middle of Wall Street untill it comes to the middle of Smith Street thence down through the middle of Smith Street to a place called Marten Clocks Corner Including the Small Street between the House late of the Said Marten Clock and the Slip and So to continue and

run a Line as the Said Small Street runs into the East River four hundred foot below low water mark thence running Westerly keeping four hundred foot below water mark till it comes to the Bounds of the South Ward and from thence along the Bounds of the South Ward up the middle of broad Street to the place where the Said Dock ward began the East Ward to begin at the North Easterly Corner of the Dockward in the middle of Smith Street and So to run from thence up through the Middle of the Said Street till it comes directly opposite to the middle of the North Easterly end of golden Hill Street and from thence to run down through the middle of the Said street to the middle of the South Easterly end thereof and from thence to run through the middle of Rodmans Slip to the East River and from thence to continue and run a Line as the Said Slip runs into the East River four hundred foot below low water mark thence running westerly keeping four hundred foot below low water mark till it comes to the South Easterly end of the Dockward and So along the Bounds of the Dockward up through the middle of Smith Street to the place where the East ward began The North Ward to begin where the East ward begins in the middle of Smith Street and So to run from thence through the middle of the Said Street So far as it runs and so to continue a line from the End of the said Street then as the Street runs to the South Side of the Creek that runs from fresh water into the East River and from thence running a North Course till it comes to the bounds of the West ward and from thence running along the bounds of the Said west ward towards Spring Garden and all along the rear of the Houses fronting the Broadway and so Still along the Bounds of the Said West ward to the middle of Wall Street where the West ward runs across the same and from thence down the middle of Wall Street along the Bounds of the South ward and the Dockward to the place where the Said North Ward began Including in the Same ward the powder House the City Hall and the presbyterian Meeting House Montgomerie Ward to begin at the South Easterly Corner of the East Ward opposite to Rodmans Slip four hundred foot below low water mark in the East River and from thence to run along the Bound of the East ward to and through the middle of Rodmans Slip and all through the middle of golden Hill Street till it meets with the Boundaries of the North ward and the middle of Smith Street and So along the Bounds of the North ward through the middle of Smith Street to the Rivulet that runs from fresh water into the

East River from thence along the said Rivulet so far as it goes till it Empties itself in the Said East River and from thence to run a South East Line four hundred foot beyond low water mark into the Said East River and from thence running westerly keeping ffour hundred ffoot beyond low water mark to the place where the said Montgomerie ward began The Out Ward to begin at the North westerly Corner of the South ward at low water mark on the west Side of the North River over against Bestavers Killitie or Rivulet and from thence to run up along the west Side of the Said River at low water mark untill it comes directly opposite to the River Creek or run of water called Spyt Den Duyvel over which Kings Bridge is built and from thence to run to the Said Creek or River to the Westchester Side thereof at low water mark and So to run along the Said River Creek or run on Westchester Side at low water mark into the East River or Sound and from thence to cross over to Nassaw Island to low water mark there Including Great Barn Island little Barn Island and Mannings Island and from thence along Nassaw Island Shore at low water mark to the bounds of the South ward and from thence along the bounds of the South ward the Dock ward the East ward and Montgomerie ward to the place where the Said Montgomerie ward and the North ward meet at the Rivulet that runs from ffresh water and so to run a North course as the said North ward runs till it comes to the bounds of the West ward and from thence along the bounds of the west ward to the Northwesterly corner thereof at ffour hundred foot beyond low water mark near Bestavers Killitie or Rivulet and from thence along the bounds of the South ward to the place where the said Outward began And We do further of our Especial grace certain knowledge and meer motion for us our Heirs and Successors will Ordain give and grant that there be and forever hereafter shall and may be One Mayor One Recorder Seven Aldermen Seven Assistants One Sheriff One Coronor One Common Clerk One Chamberlain One high Constable Sixteen Assessors Seven Collectors Sixteen Constables and One Marshall appointed Nominated elected chosen and Sworn in and for the said City of New York and the precincts and Limits thereof out of the ffreeholders or ffreemen Inhabitants of the said City in manner and form as herein after is particularly mentioned And for the better Execution of our will gift and grant in this Behalf We have Assigned Named Constituted and made and by these presents ffor us our Heirs and Successors Do Assign name Consti-

tute and make our well Beloved Robert Lurting Esqr to be the present Mayor of the Same City to do and Execute all things which unto the Office of Mayor of the Said City Doth or May Belong or in any wise Appertain And we do moreover for us our Heirs and Successors give grant Ratify and confirm unto the Said Mayor of our said City of New York and to his Successors and to the Mayor of the said City for the time being and to each of them forever full power and Authority to depute and appoint one of the Aldermen of the Said City for the time being to be approved of by the Governour or Commander in Chief of the said province for the time being in the place of the Mayor of the Said City for the time being and as his Deputy in all matters and respects to act and do all things which to the Office of the Mayor of the Said City within the Limitts Libertys and precincts thereof do or ought to belong during the Sicknes or in the absence of the Said Mayor for the time being And we do hereby will and grant that every Such Deputy or person So to be appointed and approved of after having taken Such Oath as hereinafter is directed for every Such Deputy to take Shall have as full power and Authority to act and do in the Sicknes or absence of the Mayor of the Said City for the time being all and Singular those things which to the Office of Mayor of the said City belongs or Shall belong or appertaine to all Intents and purposes as the Mayor of the said City for the time being by virtue of these presents or otherwise hath shall or ought to have And we do farther for us our Heirs and Successors will Ordain and grant that in case it Should happen that the present Mayor of the Said City or any of his Successors or any of the Mayors of the Said City for the time being Should happen to die before any other fit person Shall be appointed and Sworn Mayor of the Said City in their respective Rooms and places then and in every Such case upon the Death of Such Mayor Such Aldermen for the time being (who shall have been So appointed and appointed and approved of as aforesaid to act in the place of or as Deputy to Such Mayor) Shall be and he is hereby appointed and Declared Mayor of the said City and to continue and be continued in and to Execute the Same Office of Mayor of the Said City from the death of Such Mayor so dyeing untill another fit person Shall be appointed and Sworn Mayor of the Said City in Such manner as in and by these presents is hereafter directed for the respective Mayors of the Said City to be appointed and Sworn and So as often as Such

case Shall happen And further we have Assigned Ordained named and constituted and by these presents Do for us our Heirs and Successors Assign ordain name and constitute our trusty and well beloved Francis Harison Esqr (One of our Councill of our Said province of New York) to be the present Recorder of our Said City to do and Execute all things which unto the Office of Recorder of the Said City doth or may belong or in any manner appertain and to continue and be continued in and to Execute the Said Office untill an other fit person Shall be appointed and Sworn in the Said Office And Wee do hereby appoint that the Governour or Commander in chief for the Said province for the time being at any time or times when and as often as they or each of them think fit may displace and remove the present Recorder or any other Recorder hereafter to be appointed And we do for us our Heirs and Successors Assign name Constitute and appoint John Cruger Harmanus Van Gelder, Fredrick Phillipse Gerardus Stuyvesant Anthony Rutgers John Roosevelt and Johannes Hardenbroeck Esqrs Citizens and Inhabitants of the Said City of New York to be the present Aldermen of the Said City and Egbert Van Borssom Samuel Kip John Chambers John Moore Isaac Depeyster Petrus Rutgers and Gerardus Beekman gent to be the present Assistants of the Said City to witt the said John Cruger to be Aldermen and John Moore to be Assistant for the Dockward of the Said City Harmanus Van Gelder to be Aldermen and John Chambers to be Assistant for the west ward of the Said City Collo Fredrick Phillipse To be Aldermen and Isaac Depeyster to be Assistant for the **South ward** of the Said City Gerardus Stuyvesant to be Alderman and Samuel Kip to be Assistant for the Out ward of the Said City Anthony Rutgers Esqr to be Alderman and Egbert Van Borssom to be Assistant for the North ward of the Said City John Roosevelt to be Alderman and Petrus Rutgers to be Assistant for the East ward of the Said City Johannes Hardenbroeck to be Alderman and Gerardus Beekman to be Assistant for Montgomerie ward of the said City And we do also hereby nominate and appoint Cornelius Depeyster to be the present Chamberlain and Treasurer of the City aforesaid Collo Henry Beekman to be the present Sherif of the Said City Richard Nicholls gent to be the present Coroner of the said City Edmund Peers to be present high Constable and Robert Crannell to be present Marshall of the Said City And Also we do hereby Nominate and appoint John Lemontes David Abeel Assessors Nicholas Van Taerling Collector and John Scott

Constable for the South ward of the Said City John Thurman and John Bogaert Assessors and John Pearce Collector for the west ward of the Said City Gerardus Duyckinck and Simeon Soumaine Assessors George Binckerhoof Collector and Christopher Nicholson Constable of the Dock ward of the Said City John Brown and Nathaniel Marston Assessors Peter Noxon Collector and Timothy Bontecou Constable of the North ward of the Said City John Pintard and Peter Van Dyck Assessors Ebenezer Grant Collector and John Abrahamsen Constable of the East ward of the Said City Jacobus Kip Assessor and Cornelius Cosine Collector for the Bowry Division of the Out ward and Barent Waldren Assessor Derick Bensing Collector and Arent Bussing Constable for the Haerlem Division of the said Outward And we do hereby appoint Order and direct that within forty Days after the date hereof the freemen of the Said City being Inhabitants in and the freeholders of each respective Ward of the Said City may and Shall assemble themselves and meet together at Such time and place in each of the Said Wards as each respective Alderman for each respective ward Shall appoint and then and there by plurality of their voices or Votes to Elect and choose out of the Inhabitants of each respective ward being freeholders there or freemen of the said City the Several Officers following to witt One other Constable for the South ward One other Constable for the West ward one other Constable for the Dockward One other Constable for the Eastward two Assessors One Collector and two Constables for Montgomerie ward and two other Assessors and three other Constables for the Outward to witt One other Assessor and two Constables for the Bowry Division and one other Assessor and one other Constable for the Haerlem Division of the Said Out ward And Wee Doe hereby will and Ordain that Each and Every of the before named Mayor Aldermen Assistants Chamberlain Coroner high Constable and Marshall and all and every the before named Assessors Constables and every other Assessor and Constable hereafter to be chosen for any ward or Division of a ward in the said City before next Michaelmas day on their being respectively sworn into their respective Offices as hereafter is directed Shall continue in their Said respective Offices untill the fourteenth day of October next Ensuing the date hereof and from thence untill other fit persons be respectively chosen and Sworn in their respective rooms and places in manner and form as is hereinafter directed And We do also further Ordain Order and Declare for us our heirs and Successors that

as well the before named Sherif as every other person and persons hereafter to be appointed for or to the Office of Sherif of the Said City before he or they be permitted to exercise the Said Office Shall each of them give and Enter into bond to us our Heirs and Successors with two or more Sufficient Sureties in a penalty not less than One thousand pounds Conditioned for the faithful and due Execution of his Said Office in Such manner as the Governour or Commander in Chief of the Said province of New York for the time being Shall think fit and appoint And the before named Sherif on his giving Such Security and having taken Such an Oath as hereafter is directed Shall Continue in his Said Office untill the fourteenth day of October next Ensuing and from thence untill another fit person is appointed and Sworn into the Said Office and has given Such Security as aforesaid And Wee do hereby further for us our heirs and Successors appoint and Ordaine that the Governour or Commander in Chief of the Said province of New York for the time being by and with the advice of the Councill of us our Heirs and Successors for the Said province for the time being from time to time shall have full power and Authority on the ffeast day of Saint Michael the Arch Angell in every Year forever hereafter to name and appoint and can Shall and may name and appoint a discreet and fit person of the ffreeholders ffreemen or Inhabitants of the Said City to be Mayor of the Said City and one other fit and able person One of the ffreeholders or ffreemen being an Inhabitant of the Said City to be Sherif of the Said City and One other Such person to be Coroner of the Said City all for the Ensuing year And also that on the said ffeast day of Saint Michael the Arch Angell in every year forever hereafter the ffreemen of the Said City being Inhabitants and the ffreeholders of Each respective ward in the Said City Shall and may assemble themselves and meet together at Such time of the day and Such publick place in Each of the Said wards as Each respective Alderman for Each respective ward for the time being shall appoint and then and there by plurality of their Voices or Votes to elect and chuse out of the Inhabitants of each respective ward being ffreeholders there or ffreemen of the said City (except the Out Ward) for the Ensuing Year One Alderman and One Assistant two Assessors One Collector and two Constables and for the Said Out ward four Assessors two Collectors and four Constables to witt two Assessors One Collector and two Constables for each Division of the Said ward And Also that the Mayor of the Said City for the time being and

four or more Aldermen and four or more of the Assistants of the Said City for the time being on the ffeast day of Saint Michael the Arch Angell in every Year for ever hereafter Shall and May in Common Councill Name and appoint One fit person being a ffreeholder or ffreeman and an Inhabitant of the Said City to be Treasurer or Chamberlain of the Said City for the year Ensuing and also that on the Same day in every Year forever hereafter the Mayor of the Said City for the time being Shall Name and appoint One other of the Said Inhabitants being a ffreeholder or ffreeman of the Said City to be High Constable of the Said City for the Year Ensuing every of which persons So to be named for Mayor Coroner High Constable or Chamberlain or So to be elected for Alderman, Assistant, Assessor or Constable on the ffeast day of Saint Michael Shall on the fourteenth day of October then next Ensuing their Nomination or Election respectively take the respective Oaths herein after appointed for them respectively to take in Such manner and form as herein after is directed and Shall continue in their Said respective Offices from their being So respectively Sworn untill other fit persons be respectively named or Elected and Sworn in their respective Rooms and places And also that every person So to be named for Sherif on the Said ffeast day of Saint Michael Shall on the fourteenth day of October then next ensuing his nomination take Such Oath as is hereafter appointed for each Sherif to take and Shall give Such Security as is hereinbefore appointed for each Sherif to give and Shall remain in the Said Office from the time of his being So Sworn and giving Such Security untill another fit person Shall be appointed and Sworn into the Said Office and Shall have given Such Security as aforesaid And we do further for us our Heirs and Successors appoint and Ordain that if it Should happen that either the Mayor Sherif or Coroner of the Said City for the time being at any time (before other fit persons be So as aforesaid respectively named and Sworn in their respective Rooms) Should happen to dye then and So often as it Shall So happen it shall and may be lawfull for the Governour and Comander in Chief of the Said Province for the time being by and with the Advice of the Said Councill for the Said province for the time being in Some convenient time thereafter to name and appoint Some fit and discreet person being an Inhabitant ffreeholder or ffreeman of the Said City to be Mayor of the Said City in the Room of Such Mayor So dyeing and one Other fit and able person As aforesaid to be Sherif of the said City in the room

of Such Sherif So dying and one other fit person as aforesaid to be Coroner of the Said City in the room of Such Coroner so dying and that every Such person So to be named Mayor after having taken Such Oath as is hereby appointed for each Mayor to take Shall remain in and Execute the Said Office of Mayor of the Said City untill the fourteenth day of October then next Ensuing and untill another fit person be named and Sworn into the Said office of Mayor of the Said City and Every Such person So to be named Sherif after having Sworn and given Such Security as is hereby appointed for each Sherif to do shall Exercise and remain in the said Office of Sherif of the Said City untill the fourteenth day of October then next and untill another fit person be named and Sworn in the Said Office of Sheriff and Shall have given Such Security as hereinbefore is appointed for each Sherif to give and every person So to be named Coroner after having taken Such Oath as is appointed hereby for Each Coroner to take Shall Exercise and remain in the Said Office of Coroner of the Said City untill the fourteenth day of October then next and untill another fit person be named and Sworn into the Office of Coroner of the Said City And we do moreover for us our Heirs and Successors will and by these presents grant to the Said Mayor Aldermen and Commonalty of the City of New York and to their Successors forever that if it should happen any of the present named Aldermen or Assistants Assessors Collectors or Constables or any one of the Aldermen Assistants Assessors Collectors or Constables hereafter to be elected and Sworn or to be Sworn into their respective Offices aforesaid Should happen to dye or remove out of the Said City within the time they are or Shall be respectively named or elected for or before other fit persons be respectively named or elected and Sworn in their respective rooms it Shall and may be lawfull for the ffreemen being Inhabitants in and the ffreeholders of each respective ward for which Such Alderman Assistant Assessor Collector or Constable So dying or removing had been named or chosen for to Assemble and meet together at Such time and place in the Said respective ward as Shall be appointed by the Mayor of the Said City for the time being or his Deputy and then and there by plurality of voices or votes of the ffreemen being Inhabitants in and the ffreeholders of Such ward to elect one of the Inhabitants of and being a ffreeholder in such ward or ffreeman of the Said City to Serve as Alderman Assistant Assessor Collector or Constable for the said ward in the room of such Alderman Assistant Assessor Col-

lector or Constable So dying or removing and So as often as Such cases Shall happen and in case the present named or any future Chamberlain or any High Constable of the Said City hereafter to be appointed So Sworn or to be Sworn in their respective Offices aforesaid Should happen to dye or remove out of the Said City within the time they were or Shall be respectively appointed for It Shall be lawfull for the Mayor of the Said City for the time being or his Deputy and four or more Aldermen and four or more Assistants for the Said City for the time being in Common Councill to appoint another fit person to be Chamberlain in the room of Such Chamberlain So dying or removing and for the Mayor of the Said City for the time being to appoint another fit person to be high Constable in the room of Such high Constable So dying or removing and So as often as Such cases Shall happen and all and Every Such person and persons So to be newly chosen or appointed Alderman Assistant Assessor Collector Constable Chamberlain or high Constable Shall Serve in their respective Offices untill other fit persons be respectively chosen or appointed and sworn in their respective rooms each of them (except the Collector) first taking Such Oaths as hereafter is appointed for Each of them respectively to take And we do further for us our Heirs and Successors Ordain grant and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that if any One of the Inhabitants of the Said City of New York being a ffreeholder or ffreeman as aforesaid Shall hereafter be Elected or chosen to the office of Alderman Assistant Assessor Collector or Constable for any ward in the Said City or Shall be appointed to be high Constable of the Said City and having notice of his Said Election Shall refuse denie delay or neglect to take upon him or them to Execute Such Office to which he or they Shall be so chosen or Elected for that then and So often as it Shall happen it Shall and may be lawfull for the Mayor or his Deputy or Recorder and any four or more of the Aldermen and any four or more of the Assistants of the Said City for the time being in Common Councill to tax Assess and Impose upon Every Such person or persons (So refusing denying delaying or neglecting) Such reasonable and moderate ffine and ffines Sum and Sums of money as they the Said Mayor or his Deputy or Recorder and any four or more Aldermen and any four or more Assistants in Common Councill Shall think ffit So as Such ffine for each Refusall Denial delay or Neglect Shall not Exceed the Sum of ffifteen pounds currant money of New York

All which Said ffines Shall and may be levied by distres and Sale of the Goods and Chattles of Such Delinquent and Delinquents by Warrant under the Seal of the Said City Signed by the Mayor thereof for the time being rendring the Surplusage to the Owner or Owners thereof if any be the necessary charges of making and Selling Such Distress being first deducted or by action of Debt in any Court of Record to be prosecuted or in any other lawfull method to be obtained and Shall be recovered and received by and to the use of the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever without any Account thereof to be given to us our Heirs or Successors or to any of the Officers or Ministers of us our Heirs or Successors And upon every Such Refusall or neglect other fit persons to be Elected and chosen in the room and rooms of Such persons So neglecting or refusing in Such manner as is before directed or appointed for Electing and chusing of Aldermen Assistants Assessors Collectors and Constables and for appointing a high Constable upon the death or Removal of any of them respectively and So as often as Such cases Shall happen And Wee do hereby for us our heirs and Successors grant appoint and Ordaine that if it Shall happen that the day or days appointed for the naming appointing Electing or chusing or for Administering any Oath or Oaths to any of the Officers or Ministers of the Said Corporation Shall happen to fall on a Sunday then and in Such case Such naming appointing Electing or chusing So to be made Shall be made and Such Oath or Oaths So to be Administered Shall be administered on the next day and So as often as Such case Shall happen And ffurther we do of our Especial grace Certain knowledge and meer motion for us our Heirs and Successors give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors fforever that the Mayor or Recorder with four or more Aldermen and four or more Assistants of the Said City for the time being be and shall be forever hereafter called the Common Councill of the City of New York and that the Said Common Councill of the Said City for the time being or the major part of them have and may and shall have full power Authority and Lycense to frame Constitute Ordain make and Establish from time to time all Such Laws Statutes rights Ordinances and Constitutions which to them or the greater part of them Shall Seem to be good usefull or necessary for the good rule and government of the body corporate aforesaid and of all Officers Ministers Arti-

ficers Citizens Inhabitants and Residents of the Said City within the Limitts thereof and for declaring how and after what manner and order the Mayor Recorder Aldermen and Assistants of the Said City for the time being and all and every of their Officers and Ministers and all Artificers Inhabitants and Residents of the Same City and their ffactors Servants and Appretencies in their Office ffunctions and business within the Said City and the Liberties thereof for the time being and from time to time Shall use carry and behave themselves and for the further publick good common proffit trade and better government and rule of the Said City and for the better preserving governing disposing letting and Setting of the Lands Tenements possessions and hereditaments goods and Chattles to the aforesaid Mayor Aldermen and Commonalty of the Said City of New York belonging or to them and their Successors hereafter to belong and all other things and causes whatsoever touching or concerning the Said City or the State right and Interest of the Same provided that Such Laws be not contradictory or repugnant to the Laws or Statutes of that part of our Kingdom of Great Brittain called England or of our Said province which Laws Statutes Ordinances and Constitutions So to be made as aforesaid may be and remain in force for twelve Months from the day of the date thereof and no longer unless they Shall be allowed of and confirmed by the Governour and Councill of the Said province for the time being And that the Said Common Councill of the Said City for the time being or the greater part of them as often as they Shall make Ordain and Establish Such Laws Statutes rights Orders and Constitutions in form aforesaid may make Ordain Limitt and provide such and the like pains punishments and penaltys either by ffines and Americaments or by Disfranchising and amoving from the Libertys priviledges Immunities and freedom of the Said City or by either of them towards and against all and every person that Shall Offend against Such Laws Statutes rights Orders and Constitutions or any or Either of them as by the said Common Councill or the major part of them Shall be thought necessary and requisite to make ordain Limitt and provide for the Observation and preservation of the Same Laws rights Statutes Ordinances and Constitutions and the Same ffines and Americaments Shall and may from time to time Levy receive have and recover either by distress and Sale of the goods and Chattles of Such Delinquent and Delinquents by warrant under the Hand and Seal of the Mayor or Recorder or any one of the Aldermen for

the time being rendring the Surplusage to the Owner or Owners thereof if any be the necessary charges of making and Selling Such Distress being first deducted or by action of Debt in any Court of Record to be prosecuted or in any other Lawfull method to be obtained and to the use of the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever without any Account thereof to be given to us our Heirs or Successors or to any of the Officers or Ministers of us or our heirs or Successors all and Singular which Laws Statutes rights Ordinances and Constitutions So as aforesaid to be made we do for us our Heirs and Successors will to be Observed under the pains penaltys and fforfeitures in the Same contained And we do further of our especial grace certain knowledge and meer motion for us our Heirs and Successors give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that the Common Council of the Said City for the time being or the major part of them Shall have the Sole power of Determining and Deciding all Elections of all and every their Officers and Ministers hereafter to be chosen and Elected in or for the Said Corporation or any part thereof And Wee do hereby for us our Heirs and Successors ordain declare give and grant unto the Said Mayor Aldermen and Commonalty and their Successors that the Common Council of the Said City Shall be Summoned called and held from time to time So often and at Such times and places as the Mayor or in case of his Sickness or absence the Recorder of the Said City for the time being Shall think fit to appoint or direct and that it Shall and may be lawfull to and for the said Common Council of the Said City or the major part of them to assess and lay Such reasonable ffines and Amerciaments in and upon every Officer and Member of the body Corporate aforesaid for the time being who after having had due notice or being duely Summoned to appear or attend at any Such Common Council to be held for the Said City Shall neglect So to do or make default therein or Shall not appear or attend according to Such notice or Summons in that behalf or Shew a reasonable Cause by the Said Common Council or the major part of them at their discretion to be allowed and So as often as Such Case shall happen so that no Such ffine or Amerciament for any one Default of appearance or Attendance of any Such officer or Member of the body Corporate aforesaid shall exceed the Sum of twenty Shillings in the manner and form aforesaid to be Levied and by to and for the use of the

Mayor Aldermen and Commonalty of the Said City and their Successors to be recovered and received without any Account thereof to be given to us our Heirs or Successors or any of our or their Officers or Ministers And we do further for us our Heirs and Successors give grant and confirm unto the Mayor Aldermen and Commonalty of the Said City of New York and their Successors forever that the Common Council of the Said City for the time being or the Major part of them (but no other person or persons whomsoever without the Consent grant or License of the Said Common Council of the Said City for the time being or the major part of them) from time to time and at all times hereafter shall and may have the Sole full and whole power and Authority of Setling appointing Establishing Ordering and directing and Shall and may Settle appoint Establish Order and direct Such and So many fferryes round Mannhattans Island alias New York Island for the carrying and transporting people Horses Cattle Goods and Chattells from the Said Island of Mannhattans to Nassau Island and from thence back to Mannhattans and also from the Said Island Mannhattans to any of the opposite Shores all round the Same Island in Such and So many places as the Said Common Council or the major part of them Shall think ffit who have hereby likewise full power to Lett Sett or otherwise dispose of all or any of such fferryes to any person or persons whomsoever and the rents Issues profits fferryages fees and other advantages arising and accruing from all and every Such fferryes we do hereby ffully and ffreely for us our Heirs and Successors give and grant unto the Mayor Aldermen and Commonalty of the City of New York aforesaid and to their Successors fforever to have take hold and enjoy the Same to their own use without being accountable to us our Heirs or Successors for the Same or any part thereof And we do ffurther for us our Heirs and Successors give grant ratify and Confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that the Common Council of the Said City for the time being or the major part of them have and from time to time and at all times hereafter forever Shall have full power License and Authority not Only to Establish appoint Order and direct the making and laying out of all other Streets Lanes Alleys high ways watercourses and bridges not already made or laid out but also the altering amending and repairing all Such Streets Lanes Alleys highways water courses and bridges heretofore made or laid out or hereafter to be made or laid out in and throughout

the Said City of New York and the Island of Mannhattans in such manner as the Said Common Councill for the time being or the major part of them Shall think or Judge to be necessary and Convenient for all Inhabitants and Travellers there And ffurther we do hereby of our especial grace certain knowledge and meer motion for us our Heirs and Successors give grant ratify and confirm unto the said Mayor Aldermen and Commonalty of the City of New York and their Successors that they and their Successors Shall and may have hold and keep Markets at the ffive Several places (in the Said City of New York on every day in the week throughout the year except Sunday) as ffollow to witt One market at Coenties Dock one other market at the Old Slip at Burgers path One other Market at Countesses Slip One other Market at the lower end of Wall Street and one other Market by the Long Bridge And Also we do for us our Heirs and Successors grant unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors fforever that they and their Successors Shall and may have hold and Keep Such and so many other Markets as at such and So many other times and places in the Said City of New York as shall from time to time be Ordered Established Erected and appointed by the Common Councill of the City aforesaid for the time being or the greater Number of them And We do ffurther for us our Heirs and Successors give and grant unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors that they and their Successors may and Shall have the Assize and Essay of bread Wine Beer Ale and all other Victuals and things whatsoever Sett to Sale in the Said City and the Liberties and Limitts thereof and the Amending and Correcting of the Same Assize and all Amerciaments ffines and fforfeitures to be Laid and fforfeited concerning the Same or any part thereof without any Account thereof to be given to us our Heirs or Successors and to perform do and Act by themselves or their Deputys all and Everything needfull or necessary in about or concerning the Same And we do hereby farther for us our Heirs and Successors grant and give unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever the Office of Guager of and in the Said City to guage all and Singular the wine Rum brandy Molassess Beer Ale Syder and other Merchandizes and Vessells guageable or to be guaged within the Said City (Except such Liquors as are to pay duty by virtue of any Act of Assembly untill after they have been guaged by the publick

Officer appointed for that purpose) And the Office of Measurer of and in the Said City to Measure Salt Wheat Oats and other grain and all other Merchandizes measurable or to be measured in the Said City and also the Offices of Surveyor and packer of bread flower of Beef pork and other provisions and all other Merchandizes and Commodities to be Surveyed or packed in the Said City And also the Office of Cartage carriage and portage of all goods wares Merchandizes and other things to be carted or carryed in or through the Said City or any part thereof And also the Office of garbling of all manner of Spices and other Merchandizes and things to be garbled in the City aforesaid To have and to hold the Several Offices aforesaid and every of them and the Disposition Ordinances and Corrections of the Same and to Exercise the Same by themselves Or their Deputys and to take and receive to themselves all fees, profits and perquisites to the Said Offices and every of them due or to be due and all the fines Amerciaments and forfeitures to be laid and forfeited concerning the Same or any part thereof to them the Said Mayor Aldermen and Commonalty and their Successors to their own proper use forever without any Account or any other thing to us or our Heirs or Successors to be given or made And further that the Mayor of the Said City for the time being or his Deputy for the time being and any four or more of the Aldermen for the time being Shall from time to time and at all times forever hereafter have full power and Authority under the Common Seal of the Said City to make free Citizens of the Said City and Liberties thereof and that every person So to be made a free Citizen Shall pay on his being made free for the use of the Said Mayor Aldermen and Commonalty of the City aforesaid and their Successors forever a Sum not Exceeding five pounds New York money and we do for us our Heirs and Successors give and grant unto the Said Mayor Aldermen and Commonalty and their Successors forever full power to ask take Demand and receive the Same to their own use and behoof without any account thereof to be given to us our Heirs or Successors or any other person or persons whatsoever And we do hereby for us our Heirs and Successors Constitute appoint and Ordaine, that no person whatsoever not being a free Citizen of the Said City as aforesaid Shall at any time hereafter use any Art trade Mystery or Occupation within the Said City Liberties and precincts thereof or Shall by himself themselves or others Sell or expose to Sale any manner of goods Wares Merchandizes or Commodities by Retaile in any house

Shop place or Standing within the Said City or the Liberties or precincts thereof Save in the time of publick ffairs and that every Such person So using any Art trade Mystery or Occupation or So retailing contrary to the Intent and Meaning of these our present Letters and Shall persist therein (after warning to him or them thereof given or Left by the appointment of the Mayor of the Said City for the time being or his Deputy at the place or places where Such person or persons Shall So use any Art Mystery or Occupation or expose to Sale by Retaile as aforesaid any goods wares Merchandizes or Commodities as aforesaid Shall forfeit the sum of ffive pounds New York money to and for the use of the Said Mayor Aldermen and Commonalty of the City of New York and their Successors for every time that he or She Shall So use any trade Mystery or Occupation or Expose to Sale by Retaile as aforesaid any goods Wares Merchandizes or Commodities after such warning given or left as aforesaid All and every of which Same fforfeitures Shall and may be Levied by Distress and Sale of the goods and Chattles of such Delinquent and Delinquents by Warrant under the Seal of the Said City Signed by the Mayor thereof for the time being or his Deputy rendering the Surplusage to the Owner or Owners thereof if any be (the necessary charges of making and Selling Such Distress being first deducted) or by any other lawfull method to be obtained and Shall be recovered and received by and to the only use of the Mayor Aldermen and Commonalty of the City of New York and their Successors forever without any Account thereof to be given to us our Heirs or Successors or to any of the Officers or Ministers of us our Heirs or Successors Provided always and we do hereby for us our Heirs and Successors direct appoint and order that no person or persons Shall be made free as aforesaid but Such as are or Shall be natural born Subjects of us our Heirs or Successors or shall be Naturalized or made Denizens And we do further for us our Heirs and Successors Ordain appoint direct will and grant that all and every person and persons now living who at any time heretofore have been Admitted ffree Citizens or into the ffreedom of the Said City of New York Shall be and remain ffree thereof and ffree Citizens and have and enjoy the Said ffreedom and all the rights and priviledges of ffreemen and free Citizens of the Said City of New York to all Intents and purposes whatsoever And for the better preservation of good rule and Order in the Said City we do for us our Heirs and Successors will Ordain and grant

unto the Mayor Aldermen and Commonalty of the Said City and their Successors that the Common Council of the Said City for the time being or the major part of them Shall have full power and Authority to License or appoint by warrant under the Common Seal of the Said City or otherwise one or more Surveyors of flower bread beef pork and other provisions Measurers of grain Salt and all other Commodities Guagers of Wine beer Ale Syder Rum Brandy and all other Saleable or Exciseable Liquors Garblers Beadles Bellmen Watchmen Bridewell keepers or keepers of a house or houses of Correction and of Almshouses Cryers and Bellringers and to Displace all or any of them and put others in their room and to add or Diminish the Number of them or any of them as often as the Said Common Council of the Said City or the Major part of them Shall think fit And further we do for us our Heirs and Successors grant unto the Said Mayor Aldermen and Commonalty and their Successors forever full power and Authority to Erect and build or appropriate any of their Buildings already built for one or more Bridewell or Bridewells House or houses of Correction and work house or work houses together with full power and Authority to the Said Mayor Recorder and Aldermen or any one of them to take up and Arrest or order to be taken up and Arrested all and any Rogues Vagabonds Straglers and idle and Suspicious persons and as they the Said Mayor Recorder or Aldermen or any one of them Shall see cause to Order all or any Such Rogues Vagabonds Straglers and idle and Suspicious persons either to the Said Work house there to remain and work Such work and So long not exceeding ffourty Days or else to Bridewell or the house of Correction there to receive Such punishment not extending to the Loss of Life or Limb as the Said Mayor Recorder and Aldermen or any one of them Shall think fit And Also that they the Said Mayor Aldermen and Commonalty and their Successors forever may and Shall have power to Build Erect or appropriate any of their buildings already built for an Alms House for Relief of the poor together also with as full and ample power to them and their Successors to Order direct and Act in and about the Said houses of Correction Work houses and Alms houses and the person to be put in and Ordered there as to any City or Corporation in any place of that part of our Realm of great Britain called England and the Officers or Ministers thereof doth or may belong And also that they the Said Mayor Aldermen and Commonalty and their Successors fforever hereafter may have One or more Goal or Goals in

Such fit place or places within the Said City and Limitts and Jurisdiction thereof as by the Common Councill of the Said City for the time being or the major part of them Shall be appointed to Imprison and Safe keep all and every person and persons for any Treasons Murders ffelonies Trespasses Evil Doings and all other matters and Causes whatsoever to be Arrested or Attached or to be Committed to the Goal or Goals aforesaid in Safe Custody there to remain until they be Delivered by due Course of Law And that the Common Councill of the City aforesaid for the time being or the major part of them Shall and may have power from time to time to chuse Constitute and place one or more fit person or persons in the Office or Offices of Keeper or Keepers of the Goal or Goals aforesaid to hold the Same during the good pleasure of the Common Councill of the Said City for the time being or the major part of them as aforesaid requiring and hereby for us our Heirs and Successors Impowering and commanding the Keeper and Keepers of the goal or goals aforesaid for the time being that all and Singular Traitors Murderers ffelons Malefactors Disturbers of the peace and other Delinquents and all others for any Crime or Offence or other reasonable cause or matters to the goal or goals aforesaid Ordered or Committed or to be committed or Ordered from time to time Shall receive take keep and cause to be kept in the Same Goal or Goals untill they Shall be thence Delivered by due Course of Law And we do further for us our Heirs and Successors will Ordain and grant that the Mayor of the Said City for the time being Shall fforever hereafter be Clerk of the Market of us our Heirs and Successors within the City aforesaid and the Limitts Libertys and precincts thereof And that the Mayor of the said City for the time being by himself or his Deputy may and Shall have full power and Authority to do and Execute and Shall and may do and Execute fforever within the Limitts Libertys and precincts of the Said City all and whatsoever to the Office of Clerk of the Market there doth Shall or may belong without any hindrance or Impediment of us our Heirs or Successors or any of the Officers of us our Heirs or Successors and that no other Clerk of the Market Shall Intermeddle there And Also that the Mayor of the Said City for the time being and his Successors during the time of his and their Mayoraltys and no other be and Shall be the Bailif and Conservator of the water of the North and East Rivers and Shall and may do Exercise and Execute the Said Office of Bailif and conservator of

the water of the North and East Rivers or waterbailiff by him or themselves or by his or their Sufficient Deputy or Deputys in upon or about the Same water of the North and East Rivers (that is to say) in and through all the Limitts bounds and Jurisdictions of the Said City of New York upon all and every the Banks Shores and Wharfs of the Same water of the North and East Rivers within the Limitts and bounds aforesaid and to have receive Collect and Enjoy all and Singular wages Rewards ffees and proffits to the same Offices of Clerk of the Market and waterbailiff or any of them due or to be due or belonging to his and their own use without any Account thereof to us our Heirs or Successors to be made And also that the Mayor of the Said City for the time being Shall have full power and Authority to Lycense or appoint by warrant under his Hand and Seal or otherwise One or more Marshall or Marshalls of the Said City porters Carryers Cartmen Carrmen packers Cullers Common Cryers Scavengers and to Displace all or any of them and to put others in their rooms and to add to or Diminish the Number of them or any of them when and as often as the Mayor of the Said City for the time being Shall think ffit And we do further ffor us our Heirs and Successors grant ratify and Confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that the Mayor of the Said City for the timebeing and no other whatsoever Shall have power to give and grant Lycenses Annually under the publick Seal of the Said City to all Such persons as he Shall think ffit to Lycense them and every of them to keep a Tavern Inn Ordinary or Victualling house and to Sell wine Brandy Rum Strong waters Syder Beer Ale or any other Sort of Exciseable or Strong Liquors within the City of New York or the Liberties and precincts thereof by Retaile or the Small Measure And that it Shall be lawfull to and for the Said Mayor of the said City for the time being to ask Demand receive for every Such Lycense by him to be given and granted as aforesaid Such Sum or Sums of money as he and the person to whom Such Lycense Shall be given and granted Shall agree for not Exceeding the Sum of thirty Shillings for each Lycense all which moneys as by the Said Mayor Shall be So received Shall be used and applyed to the publick use of the Said Mayor Aldermen and Commonalty of the Said City of New York and their Successors forever without Any Account thereof to be rendred made or done to us our Heirs or Successors or any other person whatsoever Every and each of which Lycenses shall con-

tinue and be in fforce for any time not Exceeding One Year from the granting thereof but no longer And we do hereby for us our Heirs and Successors Constitute Direct Order and appoint that no person or persons whatsoever without Such Lycense being in fforce shall at any time hereafter keep any Tavern Inn publick Ordinarys or Victualing House or Sell Wine Brandy Rum Strong waters Syder beer Ale or any other Sorts of Exciseable or strong Liquors within the City of New York or the Libertys or precincts thereof by Retaile or Small measure under the penalty of ffive pounds current money of New York for every time that any person Shall act contrary hereto in any respect to be fforfeited and paid by every person for every time he or She Shall Offend or Act contrary hereto in any respect to and for the use of the Said Mayor Aldermen and Commonalty of the City of New York for the time being all and every of which penaltys Shall and may be Levied by Distress and Sale of the goods and chattles of Such Delinquent and Delinquents by Warrant under the Seal of the Said City Signed by the Mayor thereof for the time being or his Deputy rendring the surplusage to the Owner or Owners thereof if any be (the necessary Charges of making and Selling Such Distress being first Deducted) or by any other lawfull method to be obtained and Shall be recovered and received by and to the only use of the Mayor Aldermen and Commonalty of the City of New York and their Successors forever without any Account thereof to be given to us our Heirs or Successors or to any of the Ministers or Officers of us our Heirs or Successors And ffurther we of our Especial grace certain knowledge and meer motion have given granted ratified and confirmed and by these presents Do for us our Heirs and Successors give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and to their successors fforever that the Mayor Deputy Mayor Recorder and Aldermen Of the Said City for the time being be and Shall be at all times fforever hereafter and hereby are Assigned to be Justices and each of them a Justice of us our Heirs and Successors the peace of us our Heirs and Successors within the City aforesaid and the Limitts Jurisdictions and Extents thereof and within the County of New York to keep and that they the Said Mayor Deputy Mayor Recorder and Aldermen of the Said City for the time being or any four or more of them (whereof we will the Mayor or Deputy Mayor or Recorder of the Said City for the time being to be one) Shall and may forever hereafter hold and keep four Courts of general Sessions of the

peace in and for the Said City and County of New York to begin at certain times in the year (to wit) One of them to begin on the first Tuesday in November another on the first Tuesday in february another on the first Tuesday in May and the other on the first tuesday in August in every Year each of which Sessions of the peace Shall and may last Continue and be held any time not Exceeding ffour days. And also that they the said Mayor Deputy Mayor Recorder and Aldermen of the Said City for the time being or any four or more of them (where of we will the Mayor or Deputy Mayor or Recorder of the Said City for the time being to be one) Shall and may forever hereafter have full power and Authority to Enquire of and hear and Determine within the City and County aforesaid all and all manner of ffelonies Imprisonments Riots Routs Oppressions Extortions fforestallings Regratings trespasses Offences and all and singular other Evil Deeds and Offences whatsoever within the City and County aforesaid from time to time perpetrated done arising or happening which to the Office of Justices of the peace are Incumbent or do in any manner belong or which hereafter Shall happen to belong or be Incumbent on them or which in any manner before Justices of the peace ought or may be Inquired into heard and Determined together with the Correction and punishment thereof and to do and Execute all other things within the City and County aforesaid and the Liberties and precincts thereof as fully ffreely and intirely and in as ample manner and form as Justices of the peace of us our Heirs and Successors anywhere within that part of our Kingdom of great Britain called England by the Laws Statutes or Customs of England or by any other Legall method whatsoever heretofore had or Exercised or hereafter to be had or Exercise could might or can do and in as ample manner and form as if the Same had been in these our Letters particularly and by Special words Expressed contained and mentioned And that the Said Justices of the peace of us our Heirs and Successors in the City and County aforesaid may have and Exercise Jurisdiction in all causes matters and things whatsoever which to Justices of the peace of our Said City and County in any manner do or ought to belong And ffurther that the Mayor Recorder and Aldermen of the Said City for the time being and every of them from time to time and at all times forever hereafter Shall be Justices Assigned of Oyer and Terminer and of the Goal Delivery of all and Every of the Goals now being and hereafter to be in the Said City and County

and either of them and Shall be named in every Commission thereof to be made And we Do hereby for us our Heirs and Successors grant order and appoint that the Sherif and other Ministers and Officers of the Said City for the time being Shall and may and they are and each of them is hereby Commanded Authorized and fully Empowered to Execute and return all and every the precepts and Commands of the Mayor Recorder and Aldermen of the Said City for the time being and either or any of them from time to time and at all times as fully and Effectually as any Sheriff Minister or Officer of any County or City any where in that part of our Kingdom of great Britain called England the Mandates or Commands of any Justice of the Peace Justice of Oyer and Terminer or Goal Delivery of or in any County there hath used to make return or Execute in any manner whatsoever And we do further of our Especial grace certain knowledge and meer motion will and by these presents for us our Heirs and Successors give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that they and their Successors forever hereafter Shall Can and may have and hold in the Name of us our Heirs and Successors One Court of Record within the City of New York and the Liberties and Precincts thereof upon Every Tuesday in every Year before the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being and any three or more of the Aldermen for the time being or any four or more of them (whereof we will the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being to be one) And that the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being and three or more of the aldermen and any four or more of them (whereof we will the Said Mayor or his Deputy or the Recorder to be one) Shall and may hold plea and have Cognizance of all and all manner of Plaints Actions and Pleas of any Lands and Tenements within the Said City of New York and the Limitts and precincts thereof and also of all actions of trespass with fforce and Arms and without Replevin Ejectment Trover and Conversion Trespass upon the Case Debt Detinue Covenant Deceits Contracts Contempts Penalties fforfeitures and all other Actions and Pleas as well real as personal and mixt arising and Accruing within the Said City and Limitts thereof together with full power and Authority to hear and Determine all and every the Same and

Such Actions and Pleas aforesaid and Judgments thereon to render and Executions thereof to Award and make and to Act and do everything therein in Such manner and form and by Such and the like Methods Process and proceedings as fully and amply as in our other Courts of Record in Such or the like cases is used or can or may be Acted and Done according to the Laws of that part of our Kingdom of great Britain called England and of our Said province of New York And we do hereby for us our Heirs and Successors grant Order and appoint that the Sheriff and the Coroner and other Ministers and Officers of the Said City for the time being Shall and may and they are and each of them is hereby Commanded Authorized and fully Impowered to Execute and return all and every the precepts and processes of the Said Court to them respectively directed or to be directed from time to time and at all times as fully and Effectually as any Sheriff Coroner Minister or Officer of or in any City or place within that part of our Kingdom of great Britain called England the precepts and processes of any Court of Record there hath used or can or may Execute and return in any manner howsoever provided always that the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being and any three or more of the Aldermen of the Said City or any four or more of them (whereof the Mayor or his Deputy or the Recorder we will to be one) may and by these presents have and Shall have full power to Adjourn the Said Court for any time not exceeding twenty-eight days And we do further will and by these presents for us our Heirs and Successors give grant ratify and Confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors that they and their Successors from henceforth forever hereafter shall and may have within the City aforesaid a fit and Discreet Man to be and who Shall be and be called the Common Clerk of the City aforesaid to act and do all those things within the City aforesaid and the Limitts and Jurisdiction thereof which to any Common Clerk of or in any City Burrough or Town Incorporated any where in that part of our Kingdom of great Britain called England by virtue of his Office can or ought to do And also that forever hereafter the Common Clerk of the City aforesaid for the time being Shall also be Clerk of the Court of Record to be held before the Mayor or his Deputy or the Recorder and any three or more of the Aldermen of the Said City as aforesaid and also Clerk of our Peace and of the Peace of our Heirs and Successors and of the

Sessions of the Peace for and in the City and County of New York from time to time to be held and all and singular those things which to the Office and Offices of Such Clerk of the peace and of the Sessions of the peace do and Shall appertain to do act and Execute and also Shall and may require Demand take accept hold keep and Enjoy all fees perquisites and profits which to any Such Common Clerk Clerk of the peace and of the Sessions of the peace do or ought to belong And we do hereby give grant ratify and Confirm for us our Heirs and Successors unto our Beloved William Sharpas gent (one of the Inhabitants of the City aforesaid) to be the present Common Clerk of the City of New York aforesaid and also Clerk of the peace and of the Sessions of the peace for and in the City and County of New York to continue in the Offices aforesaid During his Life and to Act and Execute the Same Offices and places by himself or his Deputy And we do further for us our Heirs and Successors appoint will and direct that the Governour or Commander in Chief of the Said province of New York for the time being from time to time and at all times after the death of the Said William Sharpas when and So often as the Office and place of Common Clerk of the Said City Shall happen to be vacant Shall and may appoint an honest and Discreet Man being one of the Inhabitants and a freeman or freeholder of the Said City to be Common Clerk of the Said City during his good Behaviour and So as often as Such case Shall happen And we do further for us our Heirs and Successors will and grant that So often as the Said Office Shall be vacant the Common Councill of the Said City for the time being Shall and may appoint one other honest and Discreet Citizen being an Inhabitant and freeman or freeholder of the Said City to be Common Clerk of the Said City and Clerk of the Said Court of Record in and for the Said City and Clerk of the peace and Of the Sessions of the Peace in and for the Said City and County of New York to act and Execute the said Offices and who Shall and may Execute do and receive all and whatsoever to the Said Offices and every of them belongs or Shall belong or appertain till in his room another honest and discreet person being an Inhabitant and freeman or freeholder of the Said City Shall be appointed into or for the Said Offices by the Governour or Commander in Chief of the Said province for the time being and Shall Have taken Such an Oath as is hereby directed for every Such person So to be appointed to give and take and So from time to time and So often as the case may or Shall So

happen And ffurther we do hereby Constitute Name and Appoint James Alexander Joseph Murray John Chambers William Smith George Lurting William Jamison Richard Nicolls and Abraham Lodge gentlemen to be the present Attorneys and each of them to be an Attorney of and in the Said Court of Record for and during the good Behaviour of each of them respectively And we do hereby for us our Heirs and Successors grant and Ordain that no other Attorney or Attorneys person or persons whomsoever (besides the aforenamed Attorneys during the time that they Shall all remain Attorneys of the Said Court) Shall be permitted or Suffered to practice as an Attorney of or in the Said Court but all and every other Attorney and Attorneys person and persons (besides the before named Attorneys during the time aforesaid) from being an Attorney or Attorneys of or in the Said Court and from all practice as Such Shall be and are each of them is Excluded and Debarred And we do hereby for us our Heirs and Successors give and grant unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever that the Mayor of the Said City for the time being or his Deputy or the Recorder and any three or more of the Aldermen of the Said City for the time being or any four or more of them (whereof we will the Mayor or his Deputy or the Recorder of the Said City for the time being to be One) Shall and may (by and with the consent and approbation of our Governour and Commander in Chief for the time being) have full power and Authority all or any of the before named Attorneys of the Said Court and all or any other of the persons hereafter to be appointed or Admitted Attorneys of or in the Said Court for their or his evil behaviour in their or his Said Duty or Office of Attorneys or an Attorney of or in the Same on his or their being thereof Legally Convicted from being Attorneys or an Attorney of or in the Said Court to amove displace and forever exclude and after the Amoval or death of any two or more of the beforenamed Attorneys upon the Amoval or Death of any other of the Attorneys before named or hereafter to be admitted to recommend one other person to the Governour or Commander in Chief of the Said province of New York for the time being for his Approbation in the room of Such Attorney so dying or being removed each of which persons So to be recommended and approved of as aforesaid Shall and may be admitted and Sworn an Attorney of and in the Said Court and so as often as the case Shall happen. And we do ffurther for us our Heirs and Suc-

cessors grant and appoint that no other Attorney or person whatsoever Shall after the Death or Amoval of any of the before named Attornies be admitted or Suffered to practice as an Attorney of or in the Said Court but what Shall be recommended and approved of as aforesaid And further we do for us our Heirs and Successors grant will and Ordaine that the Number of Attorneys of the Said Court Shall not at any one time after the death or Removal of any two or more of the before named Attorneys forever hereafter Exceed the Number of Six Provided that nothing herein Shall be construed to Extend to hinder us our Heirs or Successors from prosecuting or Defending all or any Suits Causes Actions or Prosecutions in the Said Mayor's Court by our Attorney or Sollicitor General for our Said province or the Attorney or Sollicitor General of us our Heirs or Successors for the Said province for the time being nor to hinder the Attorney or Sollicitor General of us our Heirs or Successors for the Said province for the time being to practice in the Said Court as Council in any Civil Cause And we do further of our Especial grace certain knowledge and meer motion for us our Heirs and Successors grant appoint and direct that the Mayor Recorder and Aldermen of the Said City for the time Being and each of them from time to time and at all times forever hereafter Shall have by these presents full power and Authority to have and take Cognizance of and to hear try and finally determine with or without a Jury all Pleas Suits Controversies and Trespasses Wherein the value does not exceed the Sum of ffourty Shillings in Such manner as they or either of them Shall think or Judge to be agreeable and according to Equity and good Conscience and for the More due proceeding herein it Shall and may be lawfull for them or either of them to administer an Oath to the plaintiff or Defendant and also to Such Witnesses as Shall be produced by each party if they the Said Mayor Recorder and Aldermen or Either of them think fit And in case either of the parties Plaintiff or Defendant Shall not perform Such order Judgment or Decree as the Said Mayor Recorder or Aldermen for the time being or any one of them Shall make or Set down then it Shall and may be lawfull for them or any of them to commit Such party or parties to any prison of or in the Said City there to remain untill he She or they perform Such Order and every Marshall of the Said City for the time being is hereby Comanded and Authorized to Execute all and any of the Summonses Precepts and Commands of them the Said Mayor Recorder and Aldermen

or any one of them made issued or given in about or concerning Such Suits Pleas Controversies and Trespasses or any of them as Shall be to him directed and every Keeper of the goal for the City of New York for the time being is hereby commanded and Authorized to receive and Safe keep in his goal or custody all Such parties So committed or to be committed to the prison he Shall be then Keeper of untill he She or they Shall perform Such Order accordingly And we do for ourselves our Heirs and Successors by these our present Letters require Strictly charge and command and fully impower the Sherif Common Clerk Chamberlain Marshall Goal keepers High Constable petty Constables and all other Subordinate Officers of and in the Said City now chosen Elected constituted or appointed or that hereafter may be chosen Elected constituted or appointed and every of them respectively jointly and Severally as cause Shall require to be Obeisant and obedient to and attend upon the Said Mayor Recorder and Aldermen of the Said City and every or any of them at all times hereafter according to the Duty or Obligation of their respective offices and places and to execute all and every the Commands Precepts Warrants and processes to them respectively directed and issued and given out and to be issued and given out by them the Said Mayor Recorder and Aldermen or any one of them And we do further hereby will Declare and Ordaine that before the Mayor Deputy Mayor Recorder Aldermen Assistants Assessors Sheriff Coroner Common Clerk Chamberlain High Constable and petty Constables of the Said City Such of them as are hereby appointed and named and all and every Such as hereafter are to be appointed elected or chosen Shall before they be respectively permitted to Execute their respective Offices or places aforesaid respectively be sworn as follow to witt the hereby named Mayor of the Said City and every other person hereafter to be appointed to or for that Office to take the proper Oath as Such and Well and truly to Execute the Office of Mayor and all other Offices and places hereby appointed for each Mayor to execute and act in and the usual Oath of a Justice of peace before the Governour or Commander in Chief of the Said province of New York for the time being in presence of three or more of the Aldermen of the Said City of New York for the time being or in case of the absence of the Governour or Commander in Chief for the time being then before the oldest Councillor of the Said province for the time being in the presence of three or more of the Aldermen of the Said City

for the time being And we do hereby for us our Heirs and Successors give and grant full power and Authority to the Governour or Commander in Chief of the, Said province for the time being in the presence of three or more of the Aldermen of the City aforesaid for the time being or in case of the absence of the said Governour or Commander in Chief then to the oldest Councillor of the Said province for the time being in the presence of any three or more of the Aldermen of the Said City for the time being to administer Such Oaths Accordingly without any other Warrant Commission or power from us our Heirs or Successors and So from time to time as often as the case Shall or may require or happen And the above named Recorder of the Said City of New York and every other person hereafter to be appointed to or for that Office to take the proper Oath as Such Officer ought to take and an Oath well and truly to Execute the Office of Recorder and the proper Oath of a Justice of peace before the Mayor of the Said City for the time being or his Deputy to which Same Mayor for the time being or his Deputy we do for us our Heirs and Successors give full power and Authority by these presents to administer Such Oaths accordingly in manner aforesaid without any other Warrant Commission or power from us our Heirs and Successors and every Deputy Mayor or every Aldermen hereafter to be appointed to Act as Deputy Mayor for the time being to take the proper Oath as Such an Oath well and Truly to execute the Office of a Deputy Mayor during the time for which he shall be appointed Deputy if the Same Mayor his Constituent Shall So long live and if the Said Mayor shall happen to dye within Such time that thereupon and from thenceforth Such Deputy Mayor Shall well and truly Execute the Office of Mayor of the Said City untill another fit person be appointed and Sworn Mayor of the Said City in the manner in these present Letters mentioned and Shall also take the proper Oath of a Justice of peace before the Mayor or Recorder and any three or more of the Aldermen of the Said City for the time being And we do hereby for us our Heirs and Successors give full power and Authority to the Mayor or Recorder of the Said City and to any three or more of the Aldermen of the Said City for the time being to administer Such Oaths as aforesaid without any other Warrant Commission or power from us our Heirs or Successors And also every Aldermen hereby appointed and every person hereafter to be Elected to or for the Office or place of Aldermen of or in the Said City to take an Oath well and truly

to execute the Office or place of Alderman and the proper Oath of a Justice of peace before the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being and also every Assistant Assessor Sherif Coroner Common Clerk Chamberlain high Constable and petty Constable hereby named and every person hereafter to be elected or appointed to or for the Office or place of an Assistant Assessor Coroner Common Clerk or Chamberlain or Shall be appointed or elected to or for the Office or place of High Constable or petty Constable of or in the Said City each of them respectively to take the proper Oath for his respective Office or place and well and truly to Execute the respective Offices or places he is or Shall have been respectively elected or named for before the Said Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being And we do hereby give full power and Authority to the Mayor of the Said City for the time being or his Deputy or the Recorder of the Said City for the time being to administer Such respective Oaths to each of the respective persons aforesaid accordingly without any other Warrant power or Authority from us our Heirs or Successors And further of our Especial grace certain knowledge and meer motion we have granted and by these presents Do for our Selves our Heirs and Successors grant and confirm unto the aforesaid Mayor Aldermen and Commonalty of the City of New York aforesaid and to their Successors that neither they nor any one of them nor any free Citizen of the Said City during the time of their being Inhabitants there shall against their or any of their wills out of the City aforesaid be put or Impannelled upon or in any Assizes Juries or Inquisitions whatsoever (although it toucheth or doth or Shall touch us our Heirs or Successors and although we or our Successors be or Should or Shall be parties) out of the Said City neither Shall they or any one of them be made Elected or chosen Assessors Taxer or Collector of any taxes Duties Imposts or Subsidies whatsoever or of any part or parcell of them or of any of them out of the Said City nor Shall be Ordained Elected assigned or appointed Constable Bailif or any other Officer or Minister without or beyond the City aforesaid and the Liberties and precincts thereof nor Shall be called upon Compelled or forced against their or any of their wills to doe receive Occupy or Discharge any of the Duties or functions above mentioned or any other Office Duty or function whatsoever without the City Liberties and precincts aforesaid And although the

aforesaid Mayor Recorder and Aldermen ffreemen or ffree Citizens of the City aforesaid or any of them Shall while they are or remain Inhabitants of the Said City against their or any of their wills be put impannelled or returned upon any Assises Juries or Inquisitions whatsoever out of the Said City and Limitts thereof or Shall to any of the Offices above mentioned or any other Office or ffunction whatsoever out of the Said City be elected or chosen and though they or any of them being Summoned Impannelled or returned elected or chosen as aforesaid Shall refuse or neglect to come and appear before our Justice or other Justices Commissioners or Officers of us our Heirs or Successors (before whom Such Assises Juries or Inquests Shall happen to be Summoned or returned) or in or upon the Same Assises Juries or Inquests Shall refuse or neglect to be Sworn or tryed or any of the Offices Duties or ffunctions aforesaid Shall refuse to do receive occupy or Discharge yet the person or persons So refusing any Contempts ffines Amerciaments penalties fforfeitures or Loss whatsoever by reason of Such refusall or Neglect to or towards us our Heirs or Successors Shall not nor either of them Shall in any wise Incurr but therefrom and thereof as well before us our Heirs and Successors as all other the Justices Commissioners and other Officers whatsoever of us our Heirs or Successors Shall remain quiet and forever Discharged And ffurther we do for us our Heirs and Successors by these present Letters give grant ratify and Confirm unto all and every the respective Inhabitants and ffreeholders of the Said City of New York and their several and respective Heirs and Assigns forever all and every the Several and respective Messuages Tenements Lands and Hereditaments Situate lyeing and being in the Said City and Mannhattans Island aforesaid to them Severally and respectively granted Conveyed or Confirmed or mentioned or Intended to be granted Conveyed or Confirmed by any of the late Governours Lieutenant Governors or Commanders in Chief of the Said province or by any of the fformer Mayors or Deputy Mayors and Aldermen and Commonalty of the Said City of New York by that or any other Name Stile or Title or by others claiming under any Such Grant or Conveyance To have and to hold to them respectively and to their respective Heirs and Assigns forever Saving and reserving the Several Rents and Quit Rents reserved and due and to be due and payable from each of the Several persons to whom by virtue of any former Grants to them (or those from or under whom they respectively hold the Same Messuages

Tenements Lands or Hereditaments) were made or given And further of our Especial grace certain knowledge and meer motion we do for us our Heirs and Successors give grant ratify and Confirm to the Said Mayor Aldermen and Commonalty of our Said City of New York and to their Successors forever full Special and free Liberty License power and Authority to take receive have hold and Enjoy to them and their Successors forever in fee Simple any Mannors Messuages Lands Tenements Hereditaments Rents and other possessions and Real Estate within or without the Same City as well of and from us our Heirs and Successors as of and from all and every other person and persons whomsoever So as the Mannors Messuages Lands Tenements Hereditaments rents and other possessions and Real Estate which the Mayor Aldermen and Commonalty of the City of New York Shall or may have in their possession and Seizin at any one time exceed not in the whole the clear yearly rent or vallue of Three Thousand Pounds per Annum money of our Realm of great Britain beyond and above all Charges and Reprizes without any Hindrance of us our Heirs or Successors or the Justices Escheators Sheriffs Coroners Bailiffs or other the Ministers of us our Heirs or Successors and this without any other Letters patent Liberty License or power from us our Heirs or Successors the Statute of Mortmain or any other Act Law or Statute or any other Cause thing or matter whatsoever to the contrary thereof in any wise notwithstanding and the Same Mannors Messuages Lands Tenements Hereditaments rents and other possessions or any part thereof to Demise grant Lease, and Set over Assign and Dispose at their own will and pleasure and to make Seal and Accomplish any Deed or Deeds Lease or Leases Evidences or writings for or concerning the Same or any part thereof And we do by these presents of our Especial grace certain knowledge and meer motion give grant ratify and confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever All those the now City Hall and Goals Rooms or places for the Courts of Justice and Chambers adjoining with the ground and appurtenances thereto belonging the five Market Houses the great Dock the new Crane and Wharf with the Common Shore leading through the great Dock and Bridge and also the Magazine or Powder House near the fresh water all in the City of New York and the ferry and ferryes on both Sides of the East River and all other ferryes now and hereafter to be Erected and Established all round the

Island Mannhattans and the Management and rule of and all fees ferriages and Perquisites to the Same or any part thereof belonging or to belong and also the ferry Houses on Nassau Island with the Barns Stables Pen or Pounds and Lott of ground thereto belonging and also all the ground Soil or Land between high water and low water mark on the Said Island of Nassau from the East Side of the place called Wall about to the west Side of red Hook and also to make Laws and rules for the governing and well ordering of all the ferrys now Erected or Established or hereafter to be Erected or Established round the Said Island Mannhattans and all the wast vacant unpatented and unappropriated Lands lyeing and being within the Said City of New York and on Mannhattans Island aforesaid extending to low water marke together with the right benefit and advantage of all Docks Wharfs Cranes and Slips or Small Docks within this City with the Wharfage Cranage and Dockage and all Issues Rents proffits and Advantages arising or to arise or Accrue by or from All or any of them and all Rivers Rivoletts Creeks Coves ponds waters water Courses ffishing fflowing hunting and Hawking Mines and Mineralls and other Royalties and priviledges within the City of New York and Mannhattans Island And also all and Singular other the rights priviledges Liberties ffranchises Prehemineneces Advantages Jurisdictions Courts powers Offices Authority's Markets ferrys ferriages fees fines Amerciaments perquisites proffits Immunities Lands Tenements Rents possessions and Hereditaments and other Real Estate not only which in the before recited Grant or writing made or mentioned to be made in the Year of our Lord One thousand Six hundred and Eighty Six and in the before recited Letters patent of Queen Anne mentioned or Intended to be thereby or by either of them granted or Conveyed but also which the Mayor Aldermen and Commonalty of the City of New York or their predecessors Inhabitants or Citizens of the Said City of New York or any part thereof by whatsoever other Name Stile or Title they or any of them have been known or called have held or claimed to hold by prescription or otherwise (Silver and gold Mines Excepted) and also Except our ffort George in our City of New York and the ground ffull Boundaryes and Extent thereof or thereto belonging and also that peece of ground near the English Church called the Governours garden and the land called the Kings ffarm with the swamp next to the Same and Saving the Several Rents reserved by virtue of former Grants and Saving to all other

persons bodys politick and Corporate their respective Titles to any of the Said Lands or Tenements and Saving to the Inhabitants or those that have plantations by the water Side between Wall about and red hook the right of transporting themselves and their own goods only in their own boats from and to their respective Dwellings or plantations without paying fferriage To have and to hold all and Singular the premises aforesaid and every part and parcell thereof (Except and Saving as is herein Excepted and Saved) unto the Said Mayor Aldermen and Commonalty of the City of New York and their Successors forever to their only proper use and Behoof forever And Also we Doe further of our Especial grace certain knowledge and meer motion give grant ratify and Confirm unto the Said Mayor Aldermen and Commonalty of the City of New York and to their Successors fforever All that Space of ground and Soil of Hudsons River now lying and being under the water of the Same River to begin at a certain place near high water mark at the South End of a piece of Upland which lyes between the Said River and a piece of Meadow ground or Marsh being the ffirst piece of Meadow ground or Marsh near Hudsons River to the South ward of Greenwich and from when the above named Run of water called Bestavers Killitie or Rivolet runs into Hudsons River from which place of Begining to Extend and run to the South Side of the Street which runs from the parade before our ffort in New York to Hudsons River South Eighteen Degrees thirty Minuitts West on a Straight Line the Distance being One hundred and twenty five Chains from which Line to run a perpendicular breadth of and to Comprehend ffour Hundred ffet from low water Mark into Hudsons River the Same Containing Eighty two Acres and one half Acre or thereabout And Also All that Space of ground and Soil of the East River from the North Side of Corlaer's Hook to Whitehall beginning at two large Stones Sett on the South Side of a Small Creek in a Marsh on the North Side of Corlaers Hook from whence to the Eastermost point of Corlaers Hook the Distance on a Straight line runing South ffifteen Degrees thirty minuitts East is fforty Chaines and two Rodd from thence to Whitehall on a Straight Line runing South Seventy eight Degrees thirty Minuits West the Distance is One Hundred and ffifty two Chains ffrom which two Lines to run a perpendicular breadth of and to Comprehend ffour hundred ffet from low water marke into the East River the Same Containing One Hundred and twenty Seven Acres or thereabouts together

with all and Singular the Benefits Liberties priviledges ways water courses Easements wharfs Keys proffits Hereditaments and appurtenances to the Same or any part thereof belonging or appertaining or to belong or to appertain or that can in any wise be had made used or enjoyed thereon or therewith used with full power and Authority at any time or times hereafter to fill make up wharf and lay out all and every part thereof and the Same to build upon and make use of in Such manner as they the Said Mayor Aldermen and Commonalty and their Successors Shall think ffit And also all our Estate right title Interest Benefit Claim and Demand whatsoever of in or to the Same and the Reversion and Reversions Remainder and Remainders and the yearly and other Rents Issues and proffits thereof To have and to hold all and Singular the premises aforesaid unto them the Said Mayor Aldermen and Commonalty and Their Successors to their own proper use and Behoof forever and to no other use Intent or purpose whatsoever Provided always that nothing in these presents Shall be Construed to Impower or Intitle the Said Mayor Aldermen and Commonalty of the City of New York or their Successors to wharf out before any persons who have prior grants from us or Some or one of our predecissors of Keys or Wharfs beyond low water mark without the actual agreement or Consent of Such persons their Heirs or Assigns Owners of Such Keys or Wharfs And also that of the Wharfs to be built or run out there Shall be left towards the Said East and North Rivers ffifty ffet broad as well for the greater Conveniency of Trade as at any time or times hereafter for us our Heirs and Successors to plant Batteries thereon in case of any Necessitys to do which we do for us our Heirs and Successors hereby reserve power anything herein contained to the contrary in any wise notwithstanding they the Said Mayor Aldermen and Commonalty and their Successors rendring Yielding and paying (for all and every the rights Priviledges ffrenchises preheminences Advantages Jurisdictions Courts powers Offices Authorities ffines Amerciaments perquisites ffes fferriages proffits Immunities Lands Tenements Rents possessions Hereditaments and other Real Estate and all other the premises in and by these Letters before and hereafter granted or meant mentioned or Intended to be hereby granted) unto us our Heirs and Successors or unto our or their Receiver Generall for the Said province of New York for the time being at the Custom House in the Said City of New York Yearly and every Year on the ffeast day of Saint Michael

the Arch Angell the Annual Rent of thirty Shillings proclamation money besides and over and above the Yearly Quit rent of one Bever Skin or the vallue thereof in current money of our Said province in and by the aforerecited Grant made in the year One Thousand Six Hundred and Eighty Six reserved to be paid on the twenty fifth day of March yearly forever and also the yearly Quitrent of ffive Shillings Current money of New York in and by the before recited Letters patent to Queen Anne reserved to be paid at or upon the ffeast Day of Saint John the Baptist yearly forever And we do further of our Especial grace certain knowledge and meer motion for us our Heirs and Successors by these presents give and grant unto the aforesaid Mayor Aldermen and Commonalty of the Said City of New York and their Successors fforever that they and their Successors all and singular the rights priviledges ffranchises preheminences Advantages Authorities Jurisdictions Liberties Offices Courts powers Immunities fferryes fferriages proffits and perquisites herein before mentioned or Intended to be hereby granted or Confirmed Shall and may forever hereafter have hold enjoy and use without the Hindrance or Impediment of us our Heirs or Successors or of any of the Justices Sheriffs Escheators Coroners Bailiffs or other Officers or Ministers whatsoever of us our Heirs or Successors albeit the Same or Some or any one of them have not been used or may have been abused misused or Discontinued fforfeited or Lost Being unwilling and hereby fforbidding that the Said Mayor Aldermen and Commonalty or their Successors or any of them by reason of the premises aforesaid or any part thereof by us or our Heirs or by the Justices Sheriffs Escheators Bailiffs or other Officers or Ministers of us our Heirs or Successors behindred molested vexed or aggrieved or in any wise Disturbed Being willing and by these presents for ourselves our Heirs and Successors Commanding as well all the Judges and Justices of us our Heirs and Successors as the Attorney or Sollicitor General of us our Heirs and Successors for the Said province for the time being and also all other Officers and Ministers whatsoever of us our Heirs and Successors for the time being that neither they nor any of them do prosecute or Continue or cause to be prosecuted or continued any Information or any Writ or Summons of Quo Warranto or any other Writt or Writts prosecution Suit or processes whatsoever against the aforesaid Mayor Aldermen and Commonalty of New York or their Successors for the time being or against any of them for any Causes things Offenses

Claims Usurpations or Omissions or any of them by them the Said Mayor Aldermen and Commonalty or any of them or by their predecessors or any of them or by any other Mayor Alderman and Commonalty of the City of New York or any of them Done Attempted claimed used had usurped or Committed or Omitted at any time before the making of these Letters And we being willing also that the Said now Mayor Aldermen and Commonalty of the City of New York and their Successors Shall not nor Shall any or either of them be Molested or Impeached by or before any Judge or Judges Justice or Justices Sheriffs Officers or other Ministers aforesaid in or for any use Claim Abuse Usurpation of any the aforesaid or of any other Liberties franchises or Jurisdictions within the City aforesaid and the Liberties and precincts thereof before the day of the making of these Letters had used Claimed abused or Usurped nor to or for them or any of them or for any other thing whatsoever Shall be Compelled to answer And Also of our more Abundant Especial grace certain knowledge and meer motion we have given pardoned Remitted Released and quit claimed and by these presents Do for ourselves our Heirs and Successors give pardon Remitt Release and quit claim to the aforesaid Mayor Aldermen and Commonalty of the City of New York aforesaid and to their Successors fforever by whatsoever Name the Same Mayor Aldermen and Commonalty may be called Named or Stiled or lately heretofore were called Stiled named or titled all and all manner of actions whatsoever Information and Suits of Quo Warranto and other Informations Suits and prosecutions and also all and singular Usuages Non usuages abuses fforfeitures Usurpations Intrusions Omissions and also all unjust Claims of any rights priviledges Liberties franchises Jurisdictions courts powers Offices ffees ffines Amerciaments fferrys fferriages perquisites Rents possessions Lands Tenements or Hereditaments whatsoever by the aforesaid Mayor Aldermen and Commonalty of the City aforesaid or by any of their predecessors or by any other Mayor Alderman and Commonalty of the City of New York by whatsoever Name or Names or Incorporation or by pretext of any incorporation before the day of the making of these presents perpetrated made or Claimed And also all and all manner of ffines Amerciaments penaltys Sums of money and other fforfeitures whatsoever by reason of Such Usurpation Intrusion Usage Non usage Omission Abuse or unjust Claim and that they the Said Mayor Aldermen and Commonalty of the City of New York and their Successors

and every of them be and Shall be and hereby are thereof fully acquitted and Discharged towards us our Heirs and Successors forever being unwilling that they or any of them Should by reason of the premises aforesaid or any part thereof by us our Heirs or Successors or by any of our Justices Sheriffs Ministers or Officers whatsoever be troubled molested or in any wise vexed And further we do of our Especial grace certain knowledge and meer motion Will Declare and Signify and by these presents for us our Heirs and Successors Do grant unto and Covenant with the Said Mayor Aldermen and Commonalty of the City of New York and their Successors not only that they and their Successors forever hereafter may and Shall have hold use possess and Enjoy all the right priviledges Liberties ffranchises Jurisdictions Courts powers Offices Authorities Markets fferrys ffees ffines Amerciaments perquisites proffits Immunities and also all the Rents possessions Lands Tenements and Hereditaments and all other the premises in these presents mentioned and intended to be hereby granted or confirmed but also that these our Letters being Entred upon Record as is herein after appointed and the Record or Inrollment thereof and either of them and all and every thing therein contained from time to time and at all times hereafter be and Shall be firm valid good Sufficient and Effectual in Law towards and against us our Heirs and Successors according to the true Intention thereof and in and through all things Shall be Construed taken and expounded most benignly and in favour and for the most and greatest Advantage profit and Benefit of the Said Mayor Aldermen and Commonalty of the City of New York and their Successors as well in all Courts as elsewhere without any Confirmation Lycenses Tolerations procured or to be procured of us Our Heirs or Successors Notwithstanding that any writt or writs of Ad quod Damnum hath or have not issued or is or are not returned before the making of these presents and notwithstanding the not reciting mis reciting or not rightly or certainly reciting or ill or wrong reciting the Said rights priviledges Liberties ffranchises Jurisdictions Courts powers Offices Authorities Markets fferrys ffees Amerciaments perquisetes proffits Immunities Rents Possessions Lands Tenements Hereditament and any other the premises in or by these presents granted or mentioned or Intended to be hereby granted or any part or parcell thereof and notwithstanding the not finding or ill or not right or certain ffinding of any Office or Offices Inquisition or Inquisitions of the premises hereby granted or mentioned or Intended to be hereby granted or any part or par-

cell thereof by which our Title in and to the Said premises or any part thereof might could Should or ought to have been found before the making of these presents and notwithstanding any Defect in not reciting or ill reciting of any Lease Grant or Grants of the premises or any part thereof being upon Record or not upon Record or otherwise howsoever and notwithstanding the ill naming misnaming or not right or certain naming any place or precinct wherein the premises or any part thereof are or is and notwithstanding any Defect in not mentioning or not fully rightly or certainly mentioning the Name or Names of all or any the Rights priviledges Liberties ffranchises Jurisdiction Courts Powers Offices Authorities Markets fferrys ffees Amerciaments perquisites proffits Immunities Rents possessions Lands Tenements Hereditaments or other the premises hereby granted or Intended to be granted or any part or parcell thereof or of the Yearly or other Rent of or Reserved in and upon the premises or any part thereof and notwithstanding any Defect for the want of a Computation or Declaration or for the Omission of the true Vallue of the premises in these presents mentioned or Intended to be hereby granted or any part thereof and notwithstanding any defect in not mentioning our true right Estate or Title of or to the Same premises or any part or parcell of them and notwithstanding the not mentioning or not fully rightly or certainly mentioning the natures kinds Species or Quantities of the premises or any of them or any part or parcell of them and notwithstanding any Act Statute or Ordinance of Parliament or any Act of Assembly and notwithstanding any other Defects Defaults or Imperfections or any other Cause or thing whatsoever And ffurther that if any ffault Mistake or Imperfection in time to come Shall be found in these presents or any Doubt Scruple or Question be or Shall be made or Shall happen to arise concerning the premises or any part thereof that we our Heirs and Successors Shall and will vouchsafe to make any other Grant or Assurance under the great Seal of us our Heirs or Successors of the Said province of New York to the Mayor Aldermen and Commonalty of the City of New York for the time being and their Successors at their own proper Charges for the better giving granting and confirming and for their Safe and better Enjoying the premises aforesaid and every part thereof when it Shall be desired by the Same Mayor Aldermen and Commonalty of the City of New York or their Successors Also We Will and by these presents grant unto

the Said Mayor Aldermen and Commonalty that they Shall and may have these presents made and Sealed under the great Seal of our Said province of New York Without Rendring paying or making any ffine or ffee great or little to us or to our Use for the Same although no express Mention is made of the true Yearly or other Vallue or of the Certainty of the premises or any part thereof or of the gifts or grants heretofore by us or our Ancestors or by any Governour Lievtenant Governor or Commander in Chief of the Said province of New York to the Mayor Alderman and Commonalty of the Said City of New York or to the Citizens or Inhabitants of New York aforesaid by that or any other Name Stile or title or any other Statute Act Proclamation provision or Restriction made published Ordained or provided to the contrary or any other Cause or matter whatsoever in any wise notwithstanding In Testimony whereof we have caused these our Letters to be made patent and the great Seal of our Said province to be hereunto affixed and the Same to be Entred of Record in our Secretarys Office of our Said Province in one of the books of patents there remaining Witness Our Trusty and Well Beloved John Montgomrie Esq our Captain General and Governour in Chief of our Said Province of New York and the province of New Jersey and territories depending thereon in America and Vice Admirall of the Same at our ffort George in New York the ffifteenth day of January in the ffourth Year of our Reign.

THE TWENTIETH ASSEMBLY.

Third Session.

(Begun August 26, 1730, 4 George II, John Montgomerie, Esq., Governor.)

[CHAPTER 544.]

[Chapter 544, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 359. See chapter 521. Revived and explained by chapter 648.]

An Act for Continuing an Act Entitled an Act to Amend the Practice of the Law and to Regulate the giving of Special Bail

[Passed, October 17, 1730.]

WHEREAS an Act of General Assembly of this Colony made in the Second year of his present Majesties Reign Entituled an

Act to amend the practice of the Law and to Regulate the giving of Special Bail, will Expire by its own Limitation on the twenty first of this instant Septem'r Be it Enacted by the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the Same, that the above mentioned Act Entituled an Act to amend the practice of the Law and to Regulate the giving of Special Bail, Shall be and is hereby Continued and every Clause, article and thing therein Contained to be and Remain of full force from the Expiration thereof, Until the twenty first day of Sept'r in the year of oure Lord one Thousand Seven hundred and thirty Seven and from thence to the End of the next Sessions of General Assembly.

[CHAPTER 545.]

[Chapter 545 of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 359. See chapter 528. Revived by chapter 685.]

An Act to Continue an Act Entituled
an Act for Regulating fences for the Seve-
ral Cities and Counties within this Colony
of New York

[Passed, October 17, 1730.]

WHEREAS an Act of the General Assembly of this Colony passed in the Second year of his present Majestys Reign Entituled an Act for Regulating Fences for the Several Cities and Counties within this Colony of New York will Expire by its own Limitation at the end of this present Sessions of General Assembly, Be it Enacted by his Excell'y the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the above mentioned Act Entituled an Act for Regulating Fences for the Several Cities and Counties within this Colony of New York, Shall be and is hereby Continued and every Clause Article and thing therein Contained to be and remain of full force from the Expiration thereof until the first day of September which will be in the year of our Lord one Thousand Seven hundred and thirty Eight.

[CHAPTER 546.]

[Chapter 546, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. See chapter 514. Revived by chapter 639.]

An Act to Continue an Act Entituled an Act to prevent Swine running at Large in Dutchess County, and in the Manor of Livingston and in the Precinct of the Mannor of Rensselaerwyck called Claverack in the County of Albany

[Passed, October 17, 1730.]

WHEREAS an Act of the General Assembly of this Colony Entituled an Act to prevent Swine Running at Large in Dutchess County, and in the Mannor of Livingston and in the Precinct of the Mannor of Rensselaerwyck called Claverack in the County of Albany, passed in the second Year of his present Ma'tys Reign will Expire by its owne Limitation, on the Tenth day of October next, and Whereas the said Act has by Experience been found very benefeicial,

BE it Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the before mentioned Act Entituled an Act to prevent Swine Running at Large in Dutchess County, and in the Mannor of Livingston, and in the Precinct of the Mannor of Rensselaerswick called Claeverack in the County of Albany, passed in the Second year of his present Majestyes Reigne, shall and hereby is Continued and to be and Remaine of full force, to all Intents Constructions and purposes whatsoever from the Publication hereof untill the tenth Day of October, which will be in the Year of our Lord, one thousand Seven Hundred thirty & four.

[CHAPTER 547.]

[Chapter 547, of Livingston & Smith and Van Schaack, where the act is printed in full. This act is not printed in Bradford, 1732 ed. Revived by chapter 673.]

An Act to prevent Swine from Running at Large in the City and County of New York, the County of West Chester, Queens County, Kings County and Richmond County

[Passed, October 17, 1730.]

WHEREAS Several Acts of General Assembly have heretofore passed for Preventing Damages by Swine in the City and County

of New York The County of West Chester, Queens County Kings County and Richmond County, or in most of them, some of which Acts being Expired and others not answering the good ends Proposed by them. BE it Enacted by his Excellency the Governour, the Council and the General Assembly and by the Authority of the same, that all Such Acts as aforesaid Relating to Swine and to prevent Damages done by them in the Several Places above Mentioned and every Clause article matter and thing therein contain'd Shall be repealed and made Null and void on the first day of December next Ensuing;

And be it Enacted by the Authority aforesaid, that in the Several Places before mentioned, from the said first day of December next Ensuing and during the Continuance of this Act, no Swine Smal or great Shall or doe runn at Large or at liberty in the highways, Roads, Lanes, streets, Meadows, or in undivided, unImprov'd or Common Land or within any Felds or Enclosures, unless in the Felds and Enclosures belonging to the owners of Such Swine upon any Pretence, Colour or Excuse whatsoever.

BE it Enacted by the Authority aforesaid that if nevertheless any Swine Small or Great shall run at Large or at Liberty in any of the Places above Named after the said first day of December next Ensuing in the highways Roads Lanes, Streets or meadows or in undivided unimproved or Common Lands, or within any feilds or inclosures (except feilds and Enclosures belonging to or In possession of the owners of Such Swine, it Shall and may be Lawful to and for any Person or Persons except such as are hereinafter Excepted) to Impound Such Swine either in the nearest Pound within the Towne Mannor or Precinct where they shall be taken or within the Enclosures of the Person or Persons who shall so take them up, at his or their Election.

BE it Enacted by the Same Authority, that the Person or Persons so Taking up and Impounding Swine for the Reasons aforesaid shall in the Speediest manner give Notice of the Same to the Owner or owners thereof To whome Such Swine shall be Delivered again, upon his her or their Paying to the Party who took up and Impounded them, the sune of Nine pence Currant Mony of this Colony for each Such Swine, for the first offence and for every offence thereafter, the Sum of Twelve pence, and if the Said owner or owners Shall not within fourty eight hours after Such Notice Redeem his her or their Swine, by paying the Penalties aforesaid, as Likewise Reasonable Charges for keeping and feeding them, not Exceeding two pence for every Twenty Four hours each Such Swine shall be Impownded and

fed: It shall then be Lawfull To and for the Person or Persons so taking and Impounding Such Swine to Expose and Sell the Same to the highest bidders, first giving Publick Notice of Such Sale by advertisement to be affixed up at the nearest Publick Place where the said Swine shall be pounded at least fourty eight hours, before Such Sale and if the Owner or Owners or some other Person or Persons in his her or their behalfe, shall not in the meanwhile pay the said Poundage and Charge the Party or Parties so taking up and Impounding the said Swine may proceed to sell and Dispose thereof in Manner as aforesaid, and out of the money to arise by Such Sale the Said poundage and keeping; and the charge of Sale is first to be deducted, And the Over plus to be returned to the Owner of Such Swine

Provided allways and be it Enacted by the Authority aforesaid, That no Person or Persons Shall be permitted or Entituled to take up or Impound Any Swine in the manner and for the Reason aforesaid, but Such as are Freeholders or Inhabitants and have in their actual Possession a Tenement within the Towne Mannor or Precinct where Swine Shall be found Running at Large or at Liberty in manner as aforesaid.

BE it further Enacted by the authority aforesaid, That this Act nor anything therein Contained, shall barr or Exclude any Person or Persons from his her or their Damages don by Swine, but that the Same may be had and Recovered in the Same manner as if this Act had never been passed & that this Act shall Remaine of Force from the first day of December next Ensuing untill the first day of December, which will be in The year one thousand Seven hundred and thirty seven

[CHAPTER 548.]

[Chapter 548, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 373. See chapter 533. Continued by chapter 564.]

An Act for the further Continuing An Act Entituled An Act to let to farm the Excise of Strong Liquors Retalied in this Colony for the time therein Mentioned and for declaring Shrub liable to the Same Dutys as Distilled Liquors.

[Passed, October 17, 1730.]

WHEREAS an Act of General Assembly of this Colony passed in the Second year of his present Majestys Reign Entituled an

Act to Let to farm the Excise of Strong Liquors Retailed in this Colony for the time therein Mentioned and for declaring Shrub liable to the Same Dutys as Distilled liquors being Expired by its own limitation was by an other act passed in the third year of his Said Majesties Reign continued to the first day of Nov'r next Ensuing, and it being necessary to Continue the Same to a further time, in order to let the Said Excise to the best Advantage. Be it Enacted by his Excell'y the Governour the Council and the Generall Assembly and it is hereby Enacted by the Authority of the Same that the above Mentioned Act Entituled an Act to let to farm the Excise of Strong liquors Retailed in this Colony for the time therein Mentioned and for declaring Shrub liable to the Same Dutys as Distilled Liquors, Shall be and hereby is Enacted to be further Continued and every Clause Article and thing therein Contained from the said first day of November next Ensuing untile the first day of November which will be in the year of our Lord one Thousand Seven hundred and thirty one and no longer,

And for Avoiding Scruples which might arise Concerning the time of leting the Said Excise Be it Enacted by the Same Authority that the Commissioners appointed in the aforesaid act Shall and may Let to Farm the Said Excise in the manner therein mentioned on any Day in the Month of October next Ensuing

[CHAPTER 549.]

[Chapter 549, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 359. See chapter 517. Revived by chapter 576.]

An act to Revise an Act Entituled an Act for the better Clearing, regulating and further laying out Publick high Roads in the County of West Chester

[Passed, October 17, 1730.]

BE it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that an Act Entituled an Act for the better Clearing regulating, and further laying out Publick high Roads in the County of West Chester passed in the Second Year of his present Majesties Reign being Expired by its own Limitation Shall be and hereby is Revived and Every Clause article and thing therein Contained to be and Remaine of full

force and Virtue untill the first day of December which will be in the Year one thousand Seven hundred thirty one and from thence To the end of the then next Session of the General Assembly

PROVIDED only that the Respective Commissioners therein Named Shall not be allowed a whole days wages when they shall be Employ'd, but half a day or Less in Laying out or Regulating any Roads in the Mannor Towne or Precinct for which they are appointed Commissioners any thing in the Said Act or any Practice to the Contrary notwithstanding.

[CHAPTER 550.]

[Chapter 550, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act to Enable the Mayor Aldermen
and Commonalty of the City of New York,
to Raise mony for the Terme of three Years,
to purchase two Fire Engines and for other
the purposes therein mentioned

[Passed, October 17, 1730.]

WHEREAS the Corporation of the City of New York for many years past have been at very great Charge and Expence in Erecting and Supporting Usefull and Publick Buildings within the said City and have Expended very great Sums of mony in Erecting their City Hall and making the same Commodious as well for the Sitting of the General Assembly as for the Courts of Justice and other Nessessary uses and made and Erected a Dock and divers Wharfs for the Conveniency of Trade and Commerce, and for the Ease of the Inhabitants of the said City from time to time Maintained and Repaired the Common Goals, Prisons, Stocks and Pillory, and paid the Sallarys of Bellmen for watching and Warding, Maintained divers Poor Felons in Goal and Defrayed the Expence of their Execution and other Publick and Nessessary Charges (all out of the Private Revenue of the said Corporation) whereby the Treasury of the said City is now Exhausted. AND WHEREAS the Publick and Necessary Charge of Keeping the Peace, Maintaining of good Rule and Government within the said City and putting the Laws in Execution daily Increases Occationed by great numbers of Idle and dissolute Persons Privately Conveying them Selves into the said City, many whereof are Suspected to be Convict Felons Transported

from England, Several of whome have Lately been Committed for Felonys by them Perpetrated within the said City, and tho' Loaded with Irons and in very Strong Goals have found means to Escape from thence with Impunity.

AND WHEREAS the City Hall of the said City and the Common Gaols of the same are now very much out of Repair, and it appearing there is an Absolute Necessity not only to repair but also to Enlarge the said Prisons and Gaols, to Erect Watch Houses for keeping Strict Constables Watches for the better preventing of Felonies, and other disorders within the Same City whereby the Laws may be the better put in Execution and the Peace and good Government of the said City more Effectually Preserved.

AND WHEREAS the Repairing the said City Hall, Repairing and Enlarging the Goals and Prisons Erecting of Watch Houses and defraying other Necessary and Contingent Charges for the keeping of the Peace and Preserving good Rule and Government within the said City, and the Purchasing two fire Engines which are greatly wanted for the better Securing the said City from the Danger & accidents of fire will amount to a Larger sum of money then the Yearly Revenue of the said Corporation can Supply, and that Corporation Conceiving they are not sufficiently Authorized by any Law now in force within this Colony to lay a Tax for performing those Necessary purposes and for defraying other Publick Contingent Charges of the said City to the end therefore that the said City of New York may be Enabled for the Terme of three Years to Repair the City Hall of the said City, Repair and Enlarge the Prisons and Gaols, Erect Watch Houses when Needfull, to Purchase two fire Engines and to defray the Contingent Publick Necessary Charges of the said City

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that it shall and may be Lawfull for the Mayor, Recorder, Aldermen and Assistants of the City of New York for the time being, in Common Council Convened and Assembled, or so many of them as do make a Common Council once in every of the three years next Ensuing, after the Publication thereof, at such time as they shall Judge most Necessary and Convenient to Order the Raising Such Sum and Sums of mony by a Tax upon the Estates Real and Personal of all and every the Freemen Freeholders Inhabitants Residents & Sojourners within the said City as they or the Major part of them shall agree to be

Necessary for the Several Purposes aforesaid, So nevertheless as that such Tax shall not Exceed the sume of three hundred pounds Currant mony of this Colony in any one of the three years above mentioned. PURSUANT to which order the Mayor of the said City for the time being, shall forthwith thereupon Issue forth his warrants to the Assessors and Collectors of each Respective Ward within the said City for the time being, requiring them to make such Assessments and Collections, and upon Neglect Refusal or Nonpayment, the said Collectors are hereby Authorized to Levy the Same by distress and Sale of the goods and Chattells of such Person or Persons who shall neglect, refuse or delay to pay the same Immediately Restoring to the Owners the Overplus, all which sum & sums of Mony to be Levied, Collected and paid as aforesaid, shall be by the Respective Collectors aforesaid, paid unto the Treasurer of the said City of New York for the time being, there to Remaine untill the same be Ordered for the purposes aforesaid by Order of the Common Council of the said City and by warrant under the hand and Seale of the Mayor for the time being Pursuant to Such Order

AND BE IT ENACTED by the Authority aforesaid, that the said Mayor Recorder and Aldermen of the City of New York or any two of them Shall have power and Authority by Vertue of this Act, and are required to Administer an Oath to the Said Assessors and every of them, Well, Truly, Equally, Impartially and in due proportion, According to the best of their understanding, to Assess and rate all and every the Freemen, Freeholders, Inhabitants Residents and Sojourners of the Respective Wards for which they are Chosen Assessors.

AND IT IS FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons who shall be Chosen assessors or Collectors in the said City of New York, Shall deny Neglect or Refuse to make such Assessment as by this Act is Required or shall deny neglect or Refuse to Collect any Sum or sums of Money in Manner before mentioned, Laid, Taxed and Assessed and thereof be Convict before the Mayor or Recorder of the said City of New York for the time being, or before any Two Justices of the Peace of the City and County of New York (who are hereby Authorized and Required to hear and Determine the Same) shall by Warrant or warrants under the hands and Seals of such Mayor or Recorder or Justices of the Peace be Committed to the Common Gaol of the said City without Bail or Mainprize untill he or they Shall make fine and Ransom for such Contempt as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that over and above the Respective Sums to be Levyed and paid by Vertue of this Act During the aforesaid three years, The sum of Nine pence in the pound for the Collectors, and Six pence in the pound for the City Treasurer, be Assessed Levyed, and paid to the Respective Collectors and City Treasurer aforesaid, for Collecting Receiving and paying the same According to the True Intent and Meaning of this Act any thing therein Contained to the Contrary notwithstanding, and that the said Treasurer shall keep a True seperate and Exact Account of all Such Sum and Sums of money as Shall be by him So received and paid and Such Accompt Give and Render at all times unto the Mayor, Recorder, Aldermen and Assistants of the City of New York for the time being, Convened in Common Council when by them he shall thereunto be reasonably required.

[CHAPTER 551.]

[Chapter 551, of Livingston & Smith, where the act is printed in full. Chapter 551, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 354. See chapters 492 and 450.]

An Act for Striking Bills of Credit to the Value of three Thousand Pounds, and putting them into the Treasury to be Exchanged for shattered Torn and defaced Bills Struck and Issued by Virtue of Several former Acts.

[Passed, October 17, 1730.]

WHEREAS by An Act of General Assembly entituled an Act for making Bills of Credit and Putting the Same into the Treasurers hands for Exchanging there with Such Bills of Credit of this Province as are Torn and Defaced, Passed in the Tenth year of his Late Majestys Reign, there were Struck and made Currant in this Colony Bills of Credit to the Value of three thousand Pounds, and placed into the Treasury, to be Exchanged for Such of the Bills of Credit Currant in this Colony Struck and Issued by Virtue of the three Several Acts of General Assembly whereof the Tittles are particulary mentioned and Expressed in the aforesaid Acts as were so shattered torn and defaced that the real Value for which the same were originally Struck, was difficult to be known as in and by the same Act (referrance being thereunto had) may more fully and Large Appear.

AND WHEREAS by Virtue of an Act Entituled An Act for Stricking bills of Credit to the Value of three thousand Pounds and putting them into the Treasury to be Exchanged for Shattered torne and Defaced Bills, Struck & Issued by Virtue of the several acts therein mentioned, passed in the thirteenth year of his said Majesty Reign, there were Struck and made Currant in this COLONY Bills of Credit to the Value of three thousand Pounds more to be Exchanged for Shattered Torne and defaced Bills of Credit Struck and Issued by Virtue of former Acts as in and by the same Act (Relation being thereunto had) may more fully & at Large appear.

AND WHEREAS the Bills of Credit to the Value of five thousand ounces of Plate Struck and Issued by Virtue of an Act passed in the Seventh Year of his Said Majestys Reign (as in the herein first Mentioned act is mentioned) are by an other Act Entituled an Act for the further Continuing the Currency of Bills of Credit Struck and Issued in the Year one thousand Seven hundred and Twenty, to the Value of five thousand ounces of Plate during the time therein mentioned, passed this present Session of the General Assembly, Continued to be and Remaine Currant untill the first Day of September, which will be in the Year one thousand Seven hundred & thirty three, and from thence to the end of the then next Session of the General Assembly.

AND WHEREAS as well the Bills of Credit to the Value of three thousand Pounds Struck in the tenth year of his Late Majesties Reign, as those Struck in the thirteenth year of his said Majestys Reign, in the manner & for the use as aforesaid, have long sence been Exchanged According to the true Intent and meaning of those two Acts, and that nevertheless not only some of those very Bills of Credit, but Likewise many others Struck and Issued by Virtue of the three Several Acts whereof the Titles are perticularly and at Large mentioned in the herein-firstmentioned Act, are become so Shattered torn and defaced that their real value can scarcely be distinguished, whereby Constant and frequent disputes arise among the good Inhabitants of this Colony in receiving and PAYING the same, and it being conceived that the only Effectual Remedy to remove and Prevent those difficultys, is by Striking a Quantity of other New Bills of Credit and Lodging the same in the Treasury in order to be Exchanged for such Torn Shattered and ragged bills of Credit as are aforesaid

BE it therefore Enacted by his Excellency the Governour the Councill and the General Assembly and it is hereby Enacted by the Authority of the same, that New bills of Credit to the Value of three thousand Pounds be forthwith printed and Signed to and for the Purposes aforesaid, that is to say, four thousand bills of two Shillings and Six pence each, two thousand Bills of five Shillings each, two thousand Bills of Ten Shillings each, and one thousand Bills of Twenty Shillings each, upon which Bills shall be Impressed on the right hand Side the Arms of the City of New York, and that in the Upper part of each of them, betwixt the Cypher or flourishing and the body of the Bills Shall be printed in words at Length, and at the Lower part on each side thereof; and Likewise in the said Armes in figures, the Value they shall respectively go Currant for, and in the Cypher or flourishing above is to be left a Blank in the forme of an oval, large enough to Containe the date of the Year in figures, And all the said bills are to be in form following, to witt.

By a Law of the Colony of New York this Bill shall pass within the same for

in all payments and in the Treasury Dated,
October 1730.

In which blank is to be put in words at Length the Value they are respectively to pass Currant at, That is to Say, in four thousand of them the words [two shillings & six pence] in two thousand, the words [two shillings,] in other two thousand the words [ten shillings] and in the remaining thousand the words, [Twenty Shillings] and all the said Bills shall be Numbered and Signed by John Cruger Phillip Van Cortlandt Frederick Philipse and Henry Beekman Esq's or any three of them, and in Case of the death of any of them by the Major part of the said Persons then a Live

AND be it Enacted by the Authority aforesaid, that the Stamps of the Arms aforesaid now disposed in the hands of the Treasurer, shall by him be delivered to William Bradford, who is hereby Appointed to print all the said Bills, and required to give a Receipt for the said Stamps to the Treasurer & therein to Oblige himself to Returne the Same to him as Soon as all the said Bills Shall be printed, which Said Stamps upon Such Redelivery are to remaine in the said Treasury, Sealed up by the Signers and not to be made use of unless by Virtue of an Act or Acts of the General Assembly for that Purpose

BE it Enacted by the Same Authority, that as soon as all the

said Bills are so printed as aforesaid the above named William Bradford shall deliver all and every one of them unto the Persons therein Nominated and appointed to signe the same, or to the Major part of them, and at the same take an oath upon the holy Evangelist before any Alderman of the City of New York, that the Bills then Delivered unto them are all & every of the Bills Printed by Virtue of this Act, by him or by his Privy, Procurement or Directions, and that he doth not directly or Indirectly know or believe, that any more have been Printed by him or any other person or Persons whatsoever,

BE it Likewise Enacted by the Authority aforesaid, that when the said Bills Shall be so Delivered to the Signers herein before-named, they or at least any three of them are to Number and Sign the same, and then deliver unto Abraham De Peyster Treasurer of this Colony or the Treasurer for the time being, the Exact Quantity hereby Enacted to be Struck, being first Numbered and Signed as aforesaid, and the said Signers are at the same time to take an oath on the Holy Evangelist, that the Bills then delivered in Manner aforesaid, are all the Bills Signed by them by Virtue of this Act, and that they will not Signe any more unless by Act or Acts of the General Assembly thereunto Impowered, and if there Should happen to be any more bills then the Value of three thousand Pounds herein before mentioned, all Such Supernumerary Bills whether Signed or unsigned, are Immediately to be burnt and distroyed, in the Presence of the Treasurer by the Signers aforesaid.

AND WHEREAS it may be reasonably Concluded that of the Bills of Credit made Current by the Several Acts hereinbefore-mentioned, or therein reffered, to, a Considerable Quantity has already been lost either by Accident or otherwise, and that Still a farther Quantity will be Lost before the Expiration of the time and times appointed by those Acts, for the Total Cancelling and distroying of them respectively, and the advantage accruing by Such Loss redounding Solely to the benefit of this Colony

BE it Enacted by the Authority aforesaid, that all the whole Charge which Shall arise upon the bills of Credit hereby Enacted to be Struck, shall be paid and discharged in the same Bills of Credit, that is to say, to each of the Signers herein before named, the Value of Eight pounds for each of their Services in Numbring Signeing and Canceling THE said Bills to William Bradford for Printing the Number of Nine thousand Bills and furnishing Pen Ink and paper for the Signers thereof, the Value

of Eight Pounds and the respective Receipts of the said Signers & Printer shall be to the Treasurer a good voucher and discharge for so much as is therein mentioned and Expressed, not exceeding the Respective sums above mentioned and to be retained in the hands of the said Treasurer for all his Trouble in receiving the said bills for makeing the payments above mentioned for Exchanging such torn Ragged and Shattered bills as are hereinbeforementioned and for Cancelling the same and keeping Accounts thereof the sum of Sixty pounds.

BE it nevertheless further Enacted, that if Such Bills as are Presumed have already or will hereafter be lost as aforesaid, should happen to fall short of the Charge and Salary above mentioned, the deficiency thereof shall be made good either out of any unappropriated mony which Shall then be in the Treasury or by Some other Provision to be made by the General Assembly for that purpose.

And be it further Enacted by the Authority aforesaid, that all the residue of the Bills hereby Enacted to be Struck, or Such part thereof as may be requisite or demanded, shall by the Treasurer be given in Exchange for such Torn, Ragged and Shattered bills issued by Virtue of the aforesaid Acts, as may Occasion disputes or difficultys in paying or Receiveing of them, to all such person or persons as from time to time shall bring the same to him for that purpose. PROVIDED such bills are otherwise good and bona fide struck, by Virtue of any of the five Acts herein before mentioned or reffered to, and all Such bills as shall be Exchanged in mannor aforesaid SHALL by the Treasurer not only be kept distinct from all other bills but also each sort kept together according to the respective Acts by Virtue of which they have been Struck and Issued so far as the Same shall be distinguishable, And altho' the only end in Stricking and Issuing bills by Virtue of this Act is for Preventing difficultys to and disputes among the good Inhabitants of this Colony, it is nevertheless the True intent and desire of the General Assembly as well to prevent (as much as in them lys) that no Confusion may be Occasioned by Such relief as to support the Credit and good reputation which all the Bills of Credit of this Colony have hitherto had.

BE it therefore further Enacted by the Authority aforesaid, that the Treasurer shall in all and every of the Bills now Enacted to be struck, which he shall pay retain or Exchange in Manner as aforesaid make the following Distinction before he

Issue the same in the Blank oval herein Directed to be printed in the Cyphering or flourishing part thereof, that is to say, in all those he pays to the Signers and the Printer and retains for his Trouble to put in figures the Year one thousand Seven hundred and thirty, In all those that shall be Exchanged for bills made Currant by the Act passed in the thirteenth Year of her late Majestys Reign to set down in figures the Year, one thousand seven hundred and fourteen in all those to be Exchanged for Bills made Currant by the Act passed in the fourth Year of his late Majestys Reign to Set down in figures the year one thousand Seven hundred and Seventeen in all those to be Exchanged for Bills made Currant by the Act passed in the seventh year of his said Late Majestys Reign to write in figures the year one thousand seven hundred & Twenty and in all those to be Exchanged for bills made Currant by the Act herein First mentioned passed in the Tenth Year of his Said Majestys Reign to place in figures the Year one thousand Seven hundred and Twenty four, and in all those to be Exchanged for Bills made Currant by the next Act herein mentioned, passed in the thirteenth year of his said Majestys Reign to place in figures the year one thousand Seven hundred and Twenty Six, and as by this Means it will appear what kind of Bills have been Exchanged so those Exchanged in lieu thereof are gradually to be cancelled and distroyd in the same Course and Order as the original bills would have been if they had not been Exchanged.

AND be it further Enacted by the Authority aforesaid that the Treasurer shall not be obliged to Exchange any of the Bills hereby made Currant for any bill or Bills of Credit Struck and Issued by Virtue of any former Act or Acts of the General Assembly whereof the Value shall Exceed Twenty Shillings any thing herein Contained to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid that the Signers herein before mentioned shall at the respective time and times by the several Acts herein before mentioned or refferred to respectively limited and appointed for Sinking and destroying the Bills thereby made Currant or at least once every Year meet at the Treasury and then and there Examine to what Value Torn Shattered and Ragged bills have been Exchanged in lieu of Bills Struck by Virtue of this Act and the Said Signers or the greater Number of them then alive are to make distinctions which Sort of Bills have been so Exchanged and the Quantity

and Value thereof, and accordingly to give unto the said Treasurer Certificates under their hands of THE Quantity or Value, and to which of the said Acts the same belonged so farr as the same Shall be distinguishable, and the time at which such Examination was made and the Treasurer is at the same time to burn and destroy the bills so Certifyed in the presence of the said Signers or the Major part of them, then alive or present and all Such Certificates shall be to the Treasurer good and Sufficient Vouchers & Discharges for so much as shall therein be mentioned or Expressed.

AND be it Enacted by the Authority aforesaid, that the bills of Credit to be Struck by Virtue of this Act Shall be and Continue Currant as Long as any of the bills of Credit now Currant in this Colony, by any Act of the General Assembly now in force and Shall be received in all cases whatsoever by any person or Persons within the Said Colony, and be as effectually Currant as any other bills of Credit made Currant, by any other Act or Acts of the General Assembly, and any Person or Persons refusing the same bills for any Sume due or hereafter to be Come due for any Cause whatsoever as also all Persons Counterfieting the said Bills Shall incur the same forfeitures Pains and Penalties as are Contained in the Act passed in the tenth Year of his late Majestys Reign entituled an Act for making bills of Credit and putting the Same into the Treasurers hands for Exchanging therewith Such bills of Credit of this Province as are Torn and defaced in as ample and effective a manner to all intents constructions and purposes whatsoever as if the several Clauses relating thereto had been particularly and at Large incerted in the body of this Act any thing herein Contained to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid that if Any bill or Bills of Credit shall be brought to the Treasurer of this Colony for Exchanging as in this Act is directed or in paying of Dutys or Taxes due by Virtue of any other Act or Acts of the General Assembly of this Colony which he Shall have good reason to Supect are Counterfeited or Altered to Appear of a higher Value than they were originally Struck for, it shall & may be Lawfull for the said Treasurer to stop and detain Such Suspected bills, and to endorse thereon the name of the Person Tendering the same & the time when, and all such Bills he shall so Stop or detain shall by him be delivered from time to time to the Court or Courts of the Quarter Sessions, to be held for the City & County of New York, who thereupon are

either to distroy the same in the said Court or to proceed thereon as in their discretion shall Seem meet & it Shall & may be Lawfull to & for the Mayor Recorder & Aldermen of the City of New York to stop & detain Suspected bills & to do in that behalf what is hereby mentioned to be done by the said Treasurer, and it shall and may Also be Lawfull for all Justices of the Peace within their Respective Countys in this Colony to Stop & detain such Suspected bills as aforesaid & (making the above mentioned Endorsement thereon) deliver them from time to time at the next General Sessions of the peace to be held for such County who are thereupon either to distroy the same in such Court or Courts or to proceed thereon as in their discretion shall seem meet and the said Court or Courts are hereby required from time to time respectively to Certify to the said Treasurer the Number and Value of the Bills which they shall distroy in Manner aforesaid Provided Nevertheless that nothing herein Contained Shall alter or lessen the Punishments Inflicted by any former Act or Acts of the General Assembly on Persons Counterfeiting the Bills of Credet thereby made Currant in the said Colony.

[CHAPTER 552.]

[Chapter 552, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 360. Revived by chapter 649.]

An Act for the better Preservation of
oysters

[Passed, October 17, 1730.]

BE it Enacted by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, That from and after the Publication of this Act & during the Continuance thereof, it shall not be Lawfull for any Person or Persons whatsoever (Native Indians only excepted) to Gather Rake take up or bring to Market, any oysters whatever from & between the first day of May and the first day of September annually, upon the Penalty of Twenty Shillings Currant mony of this Colony together with the forfeiture of the boat Canoe or other Vessell with their apparrell & furniture rake and other utensills with which they gather oysters for every Offence to be Recovered of and from every Person or Persons who shall so offend, before any one of his Majesties Justices of the Peace, who are hereby Authorized, Impowered and Required to hear and finally Determine the Same; one half thereof to him her or them, that shall Prosecute the same to Effect, and

the other half to and for the use of the Poor of the Place where the offence shall be Committed.

AND whereas many Negore molatto and other Slaves have of Late made it a frequent practice; even at all times of the year, to Gather Rake and take up oysters, and bring the same to Market, in Such great Quantities that the Oyster banks are Like to be soone Destroyed, if that practice be not prevented and in as much as Slaves So Imploy'd are not only become very Insolent both on the Banks and after their Returne from them, but also Deprive the good Inhabitants of this Colony, more perticularly those Living in the City of New York, from getting and fetching oysters for them Selves and their Familys

Be it Enacted by the Authority aforesaid That no Negore Indian Mulatto or other Slave or Slaves whatever shall goe in or with any boat Canoe or other Vessel to any of the oyster banks, in order to gether rake, or take up oysters thereon, unless there be one or more whitemen in the Same boat, Canoe or other Vessel, and that no Such Slave or Slaves shall Sell or Dispose of any oysters in the City of New York at any time of the year whatsoever, upon the Penalty OF Twenty Shillings Currant mony aforesaid, to be paid by the Master Mistress or owner of Such Slave or Slaves as Shall so offend; to be recovered & apply'd in mannor as aforesaid and in Case the Master Mistress or owner of Such Slave or Slaves shall not pay and Discharge the Said Penalty, then such Slave or Slaves shall be Publickly whipped upon the bare back not Less then fifteen nor more then thirty one Lashes, at the Descretion of the Justice of the Peace before whome complaint of such offence shall be made, who is hereby Authorized, Impowered and Required to hear and finally to Determine the Same and that after the whipping of Such Slave or Slaves, he or they shall be Comitted to Gaol there to remaine untill his or their master or Mistress shall pay the Charge of Such whipping and Comittment not Exceeding three Shillings to the whipper and eighteen pence for the Goaler or Turnkey who is hereby impowered and required to receive Such Slave or Slaves into Safe Custody and after payment of the Said Charges to discharge the same

And be it further Enacted That this Act shall be and Remaine of Force from the Publication thereof untill the first day of September which will be in the year one thousand Seven hundred and thirty Seven and from thence to the end of the then next Session of the General Assembly

[CHAPTER 553.]

[Chapter 553, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 348. See chapter 511. Continued by chapter 563.]

An Act to Revive and Enforce an Act, Entituled an Act for Settling and Regulating the Militia in this Province and making The same Usefull for the Security and Defence thereof and for Repealing all other Acts relating to the same, During the time therein Mentioned

[Passed, October 17, 1730.]

WHEREAS an Act Entituled an Act for settling and Regulating the Militia in this Province and making the same usefull for the Security and defence thereof & for Repealing all other Acts relating to the same, passed in the Tenth year of his Late Majesties Reign being Expired by its owne Limitation, was by an other Act, Passed in the second year of his present Majesties Reign, revived and Continued to be of force for the Term of two years, and for as much as the same is Likewise expired and that it is of absolute necessity to have the Militia of this Colony under proper Regulations.

Be it Enacted by his Excellency the Governour, the Council and the General Assembly and it is hereby Enacted by the Authority of the same, That the above mentioned Act Entituled an Act for Settling and Regulating the Militia in this Province and making the same usefull for the Security and defence thereof and for repealing all other Acts relating to the same, shall be and hereby is further revived and Continued and every Clause article and thing therein Contained To be and Remaine of full force and Virtue to all Intents Constructions and purposes, whatsoever During the time herein aftermentioned

AND be it Enacted by the Authority aforesaid that the two Companys of Cadets and the Company of Blew Artilery in the City of New York shall be under the Same Regulation so far only as relates to fines and forfeitures and the recovery thereof as in the said Act is provided and directed, for the Regimental Companys in the said City and that the said Companys of Cadets and Blew Artillery shall not Exceed the Number of one hundred men in each of the said Companys, and, that no Persons shall be obliged to Enter or Enlist themselves in either of them, but that

they and each of them Consist of Volunteers only and at no time Exceed the Number above mentioned.

Be it further Enacted by the Authority aforesaid, that in the Absence of the Captains of any Company when the same shall appear under arms, it shall and may be Lawfull for the next Commanding Officer which shall then appear, to Issue warrants for Levying the fines of any Defaulters in the said City for not appearing, and that all warrants Issuing within the same for Levying Such fines during this Act, shall be Directed to the adjutant of the said City Regiment, for the time being, or in his absence to any of the sergeants belonging to the Company wherein Such Defaults shall happen who respectively Shall have full power to Execute the same, and if Executed by such adjutant he shall be Entitled to four Shillings out of every Ten shillings fine, and if by a Sergeant to three Shillings out of every Such fine any thing in the aforesaid Act to the Contrary hereof, in any wise notwithstanding

Be it Likewise Enacted by the Same Authority that NO Commission Officer in the Militia shall be Chosen a Constable or be obliged To Serve as Such whilst he is in Commission unless he is willing to do the same. But Declining it a new Choice of a Constable is to be made, and the Officer so Declining Shall not be Liable to any fine for refuseing to serve, any Law or Custome to the Contrary Notwithstanding.

AND be it Enacted by the Same Authority That This Act and every Article and Clause therein Contain'd shall Remaine of full force from the Publication thereof untill the first Day of October in the year of our Lord one thousand seven hundred and thirty one and from thence to the end of the then next Session of General Assembly

[CHAPTER 554.]

[Chapter 554, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 260. See chapter 532. Expired September 1, 1733.]

An Act for the further Continuing the Currency of Bills of Credit, Struck and Issued in the year one thousand Seven hundred and, twenty, to the Value of five thousand ounces of plate, during the time therein mentioned.

[Passed, October 17, 1730.]

BE it Enacted by his Excellency the Governour the Council and the Generall Assembly of this Colony, And it is hereby

Enacted by the Authority of the Same, that the Bills of Credit to the Value of five thousand Ounces of plate Struck and Issued by virtue of an Act, Entitled, an Act for A Supply to be granted to his Majesty for Supporting his Government in the Province of New York, during the time therein mentioned, and for Repealing one Act of the General Assembly of this Province, Entitled, an Act for a Supply to be Granted to his Majesty for Supporting his Government in the Province of New York, from the first day of July, which Shall be in the Year of our Lord one thousand Seven hundred and twenty, until The first day of July one thousand Seven hundred and Twenty one, passed in the Seventh Year of our Late Sovereign Lord King George of Glorious memory, Shall Continue and Remain Current within this Colony in all payments and in the Treasury, Until the first day of September which will be in the Year of our Lord one thousand Seven hundred and thirty Three, and from thence to the End of the then Next Session of the General Assembly, any thing in the aforeSaid Act or any other Act to the Contrary hereof in any wise notwithstanding.

[CHAPTER 555.]

[Chapter 555, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 363. Continued by chapter 581.]

An Act for the better clearing regulating and further Laying out Publick High Ways in Kings County, Queens County, Richmond County and Orange County.

[Passed, October 29, 1730.]

ALTHOUGH all or most of the Publick High Ways or Common Roads are already laid out and Ascertained in the said Countys it may nevertheless be Necessary to lay out other high Ways or Roads in the said Countys for the Conveniency of Carriage and Travellers and whereas the doing thereof in the manner directed in former Acts would Considerably augment the Charges, by reason the Commissioners appointed in those Acts, often live remote from the Place where Publick roads require to be regulated or still to be laid out, and it being conceived that the Freeholders and Inhabitants of the respective Places are properest for that purpose

BE it therefore Enacted by his Excellency the Governour the Council, and General Assembly, and it is hereby Enacted by the

Authority of the same, that from and after the publication and during the continuance of this Act, the Persons herein after named, shall be, and hereby are appointed Commissioners to regulate the High Ways and Roads, and to lay out such other Publick Roads, as may Still be necessary within the said Countys & they and each of them are hereby fully Authorised and Impowered to put in Execution the several Services intended by this Act in Such Town, and Places only for which they shall be respectively named and appointed, that is to Say, in Kings County for the Township of Flatlands, Capt Peter Nevires, Coll John Lucassen and Capt. William Conwenhoven, for the Township of Gravesend, Mr Samuel Hubbard, Mr Nicholas Williamson, and Mr John Griggs, Junor, for the Town Ship of New UYTRECHT Mr. Peter Cortelyan, Capt Aart Van Pelt and Mr William Borkelo, for the Township of Flatbush, Mr Jacob Suydam, Dominicus Van der Veer and Cornelius Cornel Esq'rs for the Township of Brookland John Rapelje Esq'r Mr Hans Bergen & Mr Hans Jacobs Bergen and for the Township of Bushwick, Nickolas Volkertsen Esq'r Mr Johannas Schenck and Capt Charles Durie, for Queens County the persons, hereafter mentioned, for the Township of Jamaica, Richard Bets Esq'r Mr. Daniel whitehead, and Mr. Samuel Higbee, for the Township of Newtown Joseph Sacket Esq'r Mr. Robert Field and James Hazard Esq'r for the Township of Flushing, Mr Francies Doughty Mr James Jackson and Mr John Willet; for the Township of Hemstead, Coll. John Tredwell, Mr William Willis and Mr Robert Mitchel and for the Township of Oysterbay, Mr Joseph Carpenter, Mr Samuel Mackoon and Mr Samuel Underhill, and for Orange County for the Precinct of Tappan Mr Reynier Keyserryck and Mr Roeloff Van Houten for the Precinct of Harverstraw, Mr Cornelius Cuyper and Mr Jonathan Rose, for the Precinct of Goshen, Mr Thomas Smith and Mr William Mapes and for Mininissinck, William Provoost and Jacobus Swartwort Esq'r

AND be it Enacted by the Authority aforesaid, That the Commissioners or the Major part of them, in the Respective Places for which they are named and appointed Commissioners, are hereby Impowered and Authorised to regulate the Roads already laid out, and lay Such other Publick Roads, in the Several Places for which they are appointed Commissioners, as to them or the Major part of them, Shall Seem necessary and Convenient, and if need be to take a review of the Roads already laid out, and

Such of them, as appear to be really Inconvenient, the Commissioners SHALL and may alter the same, and to Lay out Such other Publick ways or Roads as they or the Major part of them shall think most Convenient, as well for Travellers as for the Inhabitants of every respective Town, and the next adjacent Towns, Villages and neighbourhoods PROVIDED that nothing in this Act Contained shall Extend or be construed to Impower the Commissioners aforesaid, to alter any Road that is already Commodious nor to lay out any Roads through any Persons Lands, without Either the Consent of the owner or owners thereof, or paying to him or them the true Value of the Lands so laid out into an Highway or Road and if any dispute shall arise by that means the same Shall be determined and the True Value Set & appraised by two Justices of the Peace of the said County, and by the oaths of Twelve of the principal Freeholders of the Neighbourhood, not haveing any Interest in the Land about which Such disputes may arise, the said freeholders to be summoned by the High Sheriff of the Said County, by Virtue of a warrant to be Issued by the said two Justices for that purpose and the Person or Persons as shall desire a Road through any Persons Land, shall defray the whole charges of the Value of the said Lands, to be paid to the person or Persons injured and through whose Lands such Roads Shall be laid, together with the Wages of the Commissioners, the Charges for calling the Jury, and of their Verdict, and of the whole proceeding thereon had, and such way or Road to be for the only proper use of such Person or Persons or to his or their heirs and assigns as paid for the same

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons within the said Countys do or hereafter shall alter stop up, or lessen any Highways or Road, that has been heretofore laid out by former Commissioners according to Law or SHALL hereafter be laid out by the Commissioners named in this Act Such Persons so offending contrary to the Meaning of this Act shall for every Such Offense forfeit the sune of fourty shillings, to be recovered before any Justice of the Peace upon the oath of any one witness, and leived by warrant from any Justice of the Peace, directed to the Constable of the Town or Place where Such offence is committed, by distraining the goods and Chattels of the offender, and the said Constable, after six days Publick notice is given by him, of the Selling the said distress, shall make sale thereof and out of the produce pay

the said forfeiture and charges, and return the overplush (if any there be) to the owner or owners, which said forfeiture of fourty Shillings shall be applied by the Surveyors of the highWays for and towards repairing the Public Roads or high Ways within the Town or Precinct where Such forfeiture Shall arise

AND be it further Enacted by the Authority aforesaid, that if any common Publick Road or High Way shall be laid out through any Persons Land or meadow, it shall not be less nor Exceed the breadth of Twenty foot.

AND be it further Enacted by the same Authority that the Inhabitants of the Towns and Precincts by and through whose Land any common Publick Road or high Ways have or shall run or be hereafter ascertained or laid out, are hereby Obligated to clear and maintaine the same by cutting and Stubing the brush up pulling up the stones that can be carried off the breadth of a rod and the limbs of Trees hanging over the said Roads, to be lopt and carried off and so often as they or any of them Shall have notice from the respective Commissioners Surveyors or Overseers of the High Ways for the time being, Shall by themselves or Servants clear level and amend the High Ways, not Exceeding six days in the year, under the penalty of three Shillings for each day every person shall neglect or refuse, such service to be levied by the Constable in each Town or precinct by distress and sale of the Offenders goods and Chattels by warrant from the commissioners Surveyors or overseers of the High Ways for the time being, in every Town in the said Countys or the Major part of them Respectively returning the overplush of such sale to the owner or owners, the Constable to be first paid for his pains & trouble out of the distress as is Common in other Cases.

PROVIDED always, and be it further Enacted by the said Authority That all Trees that Stand in any Persons Land through which any common Publick Road or HighWay is or shall be laid out be for the proper use of the owner or owners of the same, but the said owner shall not hinder the Publick of making use of so much timber which is Standing or Laying on that Road as will amend and repair the High Ways or Roads runing through that Land.

AND be it also Enacted by the same Authority, that where any High Way from any Town or Plantation to any Meadows Mills watering or common Landing Places, shall run through any Particular Mans Ground, it shall and may be Lawfull for any

Such Person or Persons, by the approbation of the Commissioners of Such Town, to place and hang good Swinging Gates on such High Ways and Keep them in good repair at their owne proper costs PROVIDED no Roads Leading into or out of any woods Plains or Commons where the Cattle BELONGING to any Town or Village usually past to and from the commons or feeding Ground be cloged or hindered by any Swinging Gates as aforesaid, but by the consent of the Inhabitants of the said Town or Village or the major part of them and the several Gates already Standing, and allowed may or shall be approved and continued or altered as the commissioners herein appointed shall Judge most convenient, and the same High Ways shall be amended and maintained by the Inhabitants of every Town where Such Ways may run.

AND be it further Enacted by the Same Authority, That if the overseers of the Roads and High Ways shall think fitt and have occation, of any Team Cart or Waggon and a man to manage the same, the said Team Cart or Waggon shall be Esteemed to be for and in lieu and Stead of three days work of a Single man, and the fine to be proportionable, that is, treble to the fine to be Imposed, for the neglect of a Single Person, and every working man shall be obliged to bring such materials of spades, axes, crows, pick axes, and other utensils as shall be directed by the Surveyors or overseers of the High Ways.

AND be it further Enacted by the said Authority, that if any of the Commissioners herein appointed, shall neglect or refuse or delay to put the several Clauses in Execution which are mentioned and expressed as their dutty in this Act if there unto required, or Shall happen to dye, remove out of the Town for which he or they are appointed Commissioners, it shall and may be Lawfull for the Justices of the Peace in the said Countys or any two of them, if they Shall see Cause to appoint in his or their Stead other Commissioner or Commissioners IN Such place or Places where Such refusal neglect, death or removal shall so happen, and the Commissioner or Commissioners So appointed, be under the same Restrictions and have the same powers and Authorityes as those named and appointed by this Act.

AND be it further Enacted by the Authority aforesaid, that the Commissioners of each respective Town in said Countys for which they are respectively appointed, Shall from time to time during the Continuance of this Act enter in Writting all the High Ways or Roads by them laid out altered stopt up and sign

the Same by putting their names thereto and Cause the same to be entered in their Town Books by the Clark of each respective Town, who is hereby directed and required to Enter the same, and whatsoever the said Commissioners shall do according to the powers given them in this Act being so Entered in the Town Books, shall be valid and good to all Intents and purposes whatsoever.

AND be it further Enacted by the same Authority, That each Commissioner appointed or to be appointed by Virtue of this Act, shall have take and receive a Sum not Exceeding Six Shillings each, for every day as a reward for his or their care and Trouble in laying out or regulating the High Ways or Roads in the respective Towns and Precincts for which they are Severally appointed and he or they Shall Transmit his or their Accounts to the Supervisors of the said Countys at their annual meetings of the time he or they have Spent in laying out and in regulating High Ways and Roads in their respective Towns and Precincts, and the Supervisors Shall add so much as they find the Commissioners have Right to claime to the Quotas of that TOWN from whence Such account shall be brought, and shall raise the same with the County Tax, and be paid by the County Treasurer to the Commissioners upon a warrant from the Supervisors as in other Cases Except where the Commissioners are paid for Laying out and Regulating Roads where any perticular Person or Persons have paid for as before is Exprest

AND be it further Enacted by the Authority aforesaid That upon the ordering of any one Justice of the Peace, the Surveyors or overseers of the Town shall within Eight days thereafter warn and Set at work the respective Inhabitants to mend and Repair the Kings High Ways and other Roads which by Law and Custom they are obliged to repair, and if any of the Surveyors or Overseers shall neglect or Refuse to warn and set at work, the Inhabitants as aforesaid, and See the said Roads and High Ways amended and repaired, Such Surveyor or Surveyors Shall for every Such neglect or refusal forfeit and pay a fine of fourty Shillings to be adjudged by and recovered before any one of his Majesties Justices of the Peace of said County upon the oath of any one witness or on the View of such Justice in the Common or usual Method, which fine shall be applyed towards repairing the said High Ways, in such Town or Place wherein the fine did arise,

AND be it further Enacted by the Authority aforesaid, that for the County of Richmond the Surveyors of the High Ways which shall be annually Chosen in each division by the Inhabitants of the said County shall have the Same power and Authority for Laying out & regulating the High Ways WITHIN the Several divisions in the Said County of Richmond and Shall be liable to the Pains, Penalties and Forfeitures as any other Commissioners appointed by this Act. PROVIDED that this act shall be and continue in force onely, for two Years, from the Publication thereof, and from thence to the End of the then next Session of General Assembly.

[CHAPTER 556.]

[Chapter 556, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Naturalizing Herman Winkler and other the persons therein Named.

[Passed, October 29, 1730.]

WHEREAS Herman Winkler and Geertruyda Van Kinswilder his wife, in behalf of them Selves and their three Sons, towit, Lewis Adolph, Hans Willems Van Kinswilder, and Nicolaas Verkuyle and their two Daughters Namely, Jacomina Geertruyda Isabella and Maria Magtelda as allso Johan David Wolff, Zacharis Smith, George Necol Couns, Margaret Bender, Moize Gombauld, Nicholas Hereinger, John Dewint, Simon Melin and Peter Cornee, have by their humble petitions presented the General Assembly of the Colony of New York, desired that they may be Naturalized and become his Majesties Leige Subjects within the Said Colony.

BE it Enacted by his Excellency the Governor Council and General Assembly, and it is hereby Enacted by the Authority of the Same, That the Said Herman Winkler and Geertruyda Van Kinswilder his Wife, and their three Sons, towit, Louis Adolph, Hans Willems Van Kinswilder and Nicolaas Verkuyle and their two Daughters namely, Jacomina Geertruyda Isabella and Maria Magtelda, as allso Johan David Wolff, Zacharis Smith, George Nicole Couns, Margaret Bender, Moize Gombauld Nicolas Hereinger, John Dewint, Simon Melin and Peter Cornee, Shall be and hereby are declared to be Naturalized to all Intents Constructions and purposes whatsoever and from hence forth and at all

times hereafter Shall be Intituled to have and Injoy all the Rights, Liberties, Priviledges and advantages, which his Majestis Natural born Subjects in the Said Colony ought to have and Injoy, as fully to all Intents and purposes whatsoever as if the Said Herman Winkler and Geertruyda Van Kinswilder his Wife & their three Sons, towit, Louis Adolph, Hans Williams Van Kinswilder and Nicolaas Verkuyle as Likewise their two Daughters, namely Jacomina Geertruyda Isabella and Maria Magtelda, as allso Johan David Wolff, Zacharias Smith, George Nicol Couns, Margaret Bender, Moize Gombauld, Nicholas Hereinger, John DeWint, Simon Melin and Peter Cornee, Had been Born within his Majestys Said Colony of New York, Provided alwaies and it is hereby Enacted that the Said Herman Winkler and Geertruyda Van Kinswilder his wife and their three Sons, towit, Louis Adolph Hans, Willems Van Kinswilder and Nicolaas Verkuyle as Likewise their two Daughters namely Jacomina Geertruyda Isabella and Maria Magtelda as allso John David Wolff Zacharis Smith, George Nicol Couns, Margaret Bender Moize Gombauld, Nicolas Heringer, John DeWint, Simon Melin and Peter Cornee, Shall take the oaths appointed by Law Instead of the oaths of allegiance and Supremacy Subscribe the Test and make repeat Swear to and Subscribe the Abjuration Oath, in any of his Majestys Courts of Record within this Colony, which the Said Courts are hereby required upon Application to them made to administer, take Subscriptions and Cause the names of the Said Persons so swearing and Subscribing to be entered upon Record in the Said Court and each and every of the Said Persons are hereby required to pay the Severall Sums hereinafter mentioned, that is to Say, to the Speaker of the General Assembly the Sum of ten Shillings, to the Judge of the Court the Sum of Six Shill. and to the Clerk of Such Court the Sum of three Shillings.

AND be it further Enacted by the Authority aforesaid, that if any persons or persons hereby Naturalized having so Sworne and Subscribed as aforesaid, Shall demand a certificate of his or their being Entered upon Record in maner herein before directed, the Court or Courts in which Such Oaths and Subscriptions Shall be made; are hereby directed and required to grant Such Certificate, under the Hand of the Judge and Seal of the Court or Courts, in which Such Oaths and Subscriptions as aforesaid Shall be made, Counter Signed by the Clerk of the Said Court, for which Certificate each of them Shall pay over and

above the Sum before mentioned, the Sum of Six Shillings, one half to the Judge of Such Court and the other half to the Clerk thereof, which Certificate or Certificates Shall at all times be to the person or persons there in Named a Sufficient Proof of his her or their being naturalized by Virtue of this Act, in as full and Effectual a maner as if the Record aforesaid Was Actually produced by the Person or Persons so named in Such Certificate Always provided that Such of the persons hereby Naturalized and Now of the Age of twenty one years or upwards, as Shall not take the oaths Test and Abjuration in maner hereinbefore directed within nine Months after the Publication of this Act, and if Such of the Said Persons now under age shall not take the Said oaths Test and Abjuration in manner as aforesaid, within nine Months after they Shall respectively Attain to the age of twenty one Years, Such of the said Person or Persons delaying or omitting the Same, Shall have no Manner of benefitt by this Act, any thing therein Contained to the Contrary notwithstanding.

[CHAPTER 557.]

[Chapter 557, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. Expired at the end of the first session, after the 29th of October, 1731. Provided for by chapter 774.]

An Act to prevent the Destruction of
 Sheep by Dogs in the City and County of
 Albany the County of West Chester the
 County of Suffolk Queens County Kings
 County Richmond County and Orange
 County.

[Passed, October 29, 1730.]

WHEREAS mischivious Dogs whenever they take to the Killing of Sheep doe prove more hurtfull and Distructive to Sheep than even Wolves themselves to the Great Damage of the Owner or Owners of Sheep for preventing of which for the future Be it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that if any Dog or Dogs shall after the Publication of this Act and during the Continuance thereof Kill or distroy any Sheep or Lamb within the City and County of Albany West Chester County the County of Suffolk Queens County Kings County Richmond County or Orange County the Owner or Owners of Such Dog or Dogs which Shall Kill or Destroy any Sheep or Lamb within the Same, Shall be liable to pay to the Owner

or owners of Such Sheep So Destroyed or Lamb the full Value thereof to be recovered before any one of his Majestys Justices of the Peace where Such offence Shall be Comitted upon the oath or affirmation of one Credible Witness at the Discretion of the Justice before whome the Cause Shall be tryed who is hereby fully impowered Authorized and required to hear and finally to Determine the Same and upon non Payment thereof within three days after Judgment Shall be given to Issue forth his warrant to the next Constable to distrain on the offenders Goods and Chattles so much as may be Sufficient to Discharge the Said Judgment with the Charges arising thereby and the Same to Sell at Publick Vandue Returning the over Plus (if any there be) to the Owner thereof and if there be no goods where on to make Distress then to Comit the Owner or Owners of Such dog or dogs who Shall so kill or Destroy Sheep as aforesaid to the Common Goal and there to remain ten days without bail or mainprise unless he She or they Sooner pay and Satisfy the Judgment with the Cost as above said Be it further Enacted by the Authority aforesaid that during the Continuance of this Act it Shall and may be Lawfull for any Person or Persons whatever within any of the Countys mentioned in this Act who Shall See any Dog OR Dogs Runing after or Chaseing any Sheep or Lamb to Kill and distroy Such Dog or Dogs and if Such person or persons Shall be destitute of any Weapon wherewith to distroy or kill Such Dog or Dogs he Shall give Notice of Such Chasing to ye Owner or Owners of Such Dog or Dogs and if Such owner or owners doe not upon Such Notice imediately Kill and distroy them he She or they owning such Dog or Dogs Shall Forfeit the Sum of Six Shillings to be recovered with Costs before any Justice of the Peace in Such County where the Person or Persons owning Such Dog or Dogs Shall dwell or reside to the Sole benefitt of him or them that Shall Sue for the Same Provided Allways, and be it further Enacted that nothing herein Contained Shall debarr any Shepherd from Keeping one or more Dogs to drive or turn Sheep under his Care nor any other Person from making use of his Dog or Dogs to drive Sheep always provided Such Dog or Dogs do not hurt any Sheep or Lambs provided Also that this Act Shall not Extend to that part of the County of Albany Called the manner of Livingston any thing to the Contrary herein notwithstanding. This Act to be of force from the Publication hereof for the Term of one year and from thence to the End of the then Next Session of Assembly.

[CHAPTER 558.]

[Chapter 558, of Livingston & Smith, and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 349. Expired at the end of the first session, after the 29th of October, 1731.]

An Act for the relief of INSOLVENT DEBTORS within the Colony of NEW YORK with respect to the imprisonment of their persons

[Passed, October 29, 1730.]

Whereas many persons by losses & other Misfortunes are rendered incapable of paying their whole debts, and tho' they are willing to make the utmost satisfaction they can are nevertheless detain'd in prison by their creditors AND WHEREAS such unhappy Debtors have always been Deemed the proper objects of publick compassion.

THEREFORE for the relief of such prisoners who shall be willing to Satisfie their creditors as far as they are able

BE IT ENACTED by the GOVERNOUR, COUNCIL & GENERAL ASSEMBLY, & it is hereby enacted by the authority of the Same, That if any person or persons charged in execution or having been committed for the space of three months or longer upon a Capias for any sum or sums of money not exceeding in the whole the sum of One Hundred pounds Currant Money of this Colony from & after the first day of November in this present Year One Thousand Seven hundred & Thirty, Shall be minded to deliver up to his her, or their Creditors, all his her or their effects, Towards the Satisfaction of the Debts wherewith he, she, or they Stand charged, It Shall & may be lawfull for such prisoner to Exhibit a Petition to any of the Courts of law within this Colony from whence the Process issued, upon which he she, or they was or were taken or Charged in execution or other process as aforesaid, Certifieing the Cause or Causes of his, her or their imprisonment, and on account of his, her or their whole, real & personal estate, with the Dates of the Securities wherein any part of it consists, & the Deeds or notes relateing thereunto & the names of the witnesses to the Same as far as his, her, or their knowledge Extends thereto, & upon Such Petition the Court may & is hereby required by order or rule of Court to cause the prisoner to be brought up, & the Several Creditors at

whose Suit he, she, or they Stand Charged as aforesaid & all other his or her Creditors that are or can be known to the Court To be Summoned to appear personally or by their attorney in Court, at a Day to be appointed for that purpose & upon the day of Such Appearance if any of the Creditors Summoned refuse or Neglect to appear upon Affidavit made of the due service of such rule or order or upon affidavit made that the Creditor or Creditors are not to be found the Court Shall in A Summary way examine into the Matter of Such petition, and hear what can or Shall be alledged on either Side for or against the discharge of Such prisoner, and upon Such an examination the Court may and are hereby required to administer or tender to the prisoner an Oath or affirmation to the effect Following which oath or affirmation the Said Court is hereby impowered to administer.

I, A. B do Solemnly swear in the presence of Almighty God (or Sincerely & truly declare & affirm) that the Account by me delivered into this Honourable Court in my petition to this Court, doth Contain a full & true account of all my real and personal estate, debts, Credits & effects whatsoever, which I or any in trust for me have or at the time of my Petition had or am or was in any respect Entitled to in possession remainder or reversion, except the wearing apparell and bedding for me or my family & the tools or instruments of my trade or Calling not exceeding Ten pounds in Value in the Whole & that I have not at any time Since my imprisonment or before Directly or indirectly, Sold, leased, assigned or otherwise disposed or made over in trust for my Self or otherwise other than is mentioned in Such Account any part of my lands, estate, Goods Stock Money Debts or other real & personal estate, whereby to have or expect any benefit or profit to my Self or to Defraud any of my Creditors to whome I am indebted AND in case the prisoner shall in open Court take the said oath or affirmation, & upon such Examination & his or her takeing the said oath or affirmation the Creditors shall be Satisfyed with the truth thereof, the Court may immediately order the lands, goods & Effects Contained in such Account, or So much of them as may be Sufficient to Satisfy the debts wherewith he, or She, is or Shall be charged Together with costs of Suit & the ffees due to the Keeper of the Goal or prison from which the prisoner was brought to be by A short indorsement on the back of Such petition Signed by the prisoner, Assigned to the said Creditors or one or more of them in trust for the rest of

them or to Some proper person to be by the said Court appointed in trust for all the Creditors & by Such assignment the Estate interest & property of ye lands, goods, Debts & effects so assigned Shall be Vested in the person or persons to whome such assignment is or Shall be made who may take possession of, or Sue for the same in his or their own name or names in like manner as assignees of Commissioners of Bankrupt to which Suit no release of the prisoner his, or her executors or administrators or any trustee for him or her Subsequent to Such assignment Shall be any bar. And immediately upon such assignment executed the Said prisoner shall be discharged out of Custody by order of Court & Such order shall be A Sufficient Warrant to the Sheriff, Goaler or Keeper of Such prison, To discharge the said prisoner if Detained for the Causes Mentioned in Such petition & no other & he is hereby required to discharge & Set him or her at liberty forthwith without ffee nor Shall Such sheriff or Goaler be lyable to any action of escape or other Suit or information upon that account. AND the person or persons to whome the said effects shall be assigned paying the ffees to the Goaler or Keeper of the prison in whose custody the party discharged was, Shall and are hereby required to Divide the effects so assigned among the Creditors and all the persons for whome they shall be intrusted in proportion to their respective debts, but in Case the person or persons at whose suit Such prisoner was charged in execution or in custody upon other process as aforesaid, or any other Creditor shall not be Satisfyed with the truth of Such Oath or affirmation but shall desire further time to inform himself of the Matters Contained therein the said Court may & Shall remand the Said prisoner & Direct the said prisoner & the person or persons dissatisfied with Such Oath or affirmation to appear at another day to be appointed by the Said Court Sometime within the term next following the time of Such Examination, and if at such second day so to be appointed, the Creditor or Creditors dissatisfied with Such Oath or affirmation Shall make Default in appearing or in Case he or they shall appear, but shall be unable to Discover any Estate or Effects of the prisoner Omitted in Such his, or her petition or to shew any probability of his, or her haveing been foresworn or to have Declared falsely in the Said Oath or affirmation then the said Court shall Immediately cause the said prisoner to be discharged upon such assignment of his or her effects in manner as affore-

said, unless such Creditor or Creditors do insist upon his or her being Detained in prison & do agree by writing under his hand to pay and allow any sum of money that shall be assessed by the said Court not exceeding three shillings per Week unto the said prisoner to be paid the Monday of Every Week so long as he, or She shall Continue in prison at his her or their Suits. On failure of the payment of which weekly Sum at any time the said prisoner shall forthwith upon application to the Court be discharged by Such order as aforesaid, but in case the Said prisoner shall refuse to take the said Oath or affirmation, or having taken the same shall be Detected of Falsety therein he, or she, shall be presently remanded. AND be it further Enacted by the Authority aforesaid that no person to be discharged by this Act shall at any time hereafter be imprisoned by reason of any Judgment or decree obtained for payment of money only or for any Debt Dammage Contempts, costs, sum or sums of Money Contracted, Occurr'd Occasioned owing or growing due before the time of his or her discharge but that upon every Arrest, every Such Judgment or Decree or for Such Debts, Damages, or contempts, costs, Sum or Sums of Money it Shall and may be lawfull for any Judge of the Court where the process Issued upon shewing the Duplicate of Such prisoners Discharge or Discharges, to release & Discharge out of Custody such prisoner or prisoners as aforesaid & the Judge is hereby impowered so to do, so as every Such prisoner or prisoners arrested or Detained upon execution or other process as aforesaid do give a Warrant of Attorney to appear to every such action & to plead thereunto.

AND BE IT FURTHER ENACTED by the Authority Aforesaid that if any action of Escape or any Suit or action be brought against any Justice or Justices of the peace Sheriff, Goaler or keeper of any prison for performing their office in pursuance of this act, they may plead the General Issue and give this act in Evidence & if the plaintiff be non Suited or discontinue his action or verdict pass against him or Judgment upon Demurrer, the Defendant shall have treble Costs Provided that the Discharge of any person, by vertue of this act, shall not acquit any other person from such Debt Sum or Sums of money or any part thereof, but that all others shall be answerable for the same in Such manner as before the passing of this act. AND PROVIDED that this act shall not extend to Discharge any person out of prison who shall stand chargeable at the Suit of the crown only.

PROVIDED ALWAYS & BE IT FURTHER ENACTED BY THE AUTHORITY AFFORESAID, that notwithstanding the Discharge of the Person of Such prisoner or prisoners as aforesaid all & every Debt and Debts due or owing from the said prisoner or prisoners & all & every Judgment or Judgments, had & Taken & Decree obtained against him or her shall stand & be good & effectual in the law to all Intents & purposes against the lands, Tenements Hereditaments goods & Chattles of the said prisoner so discharged as aforesaid, which he, she or they or any other person or persons in trust for him her or them at the time of Such discharge, hath or have or at any time hereafter Shall or may be any wise Seized or possessed of Interested in or Entitled to either in law or Equity, Except his, her or their Wearing Apparel, bedding for his, her or their families & working tools and implements Necessary for his, her, or their Occupations not exceeding the value of Ten pounds in the whole & it shall & may be lawful to & for such Creditor or Creditors of Such prisoner or prisoners so discharged as aforesaid his, her or their Executors or administrators to take out a new Execution against the lands Tenements, Hereditaments goods and Chattles of such prisoner or prisoners (except as are before excepted) for the satisfaction of his, her or their debts in such sort manner & form as he, She or they might have done if the person or persons of such prisoner or prisoners had never been taken on Execution or other process as aforesaid any act statute law or Custom to the Contrary in any wise Notwithstanding.

PROVIDED also & be it further Enacted by the Authority aforesaid that if any such person who shall take such Oath or affirmation as aforesaid shall upon any indictment for perjury in any matter or particular contained in the said oath or affirmation be convicted by his or her own confession or by verdict of twelve men as he or She may be by force of this Act the person so convicted shall suffer all the pains & forfeitures which may by law be inflicted on any person convicted of willful perjury and Shall likewise be lyable to be taken on any process DE NOVO & charged in Execution for the said Debt in the same Manner as if he or she had Never been discharged or taken in execution before & shall never after have the benefit of this act PROVIDED also & be it further Enacted by the authority aforesaid that if the Effects so assigned shall not Extend to Satisfy the whole debts due to the Creditors of the person or persons so discharged

& the fees due to the Goaler there shall be an abatment in proportion & Such Goaler shall come in as a Creditor for what shall be then due to him for his Fees in proportion with the other Creditors. AND be it further Enacted by the authority aforesaid that where there are Mutual Debts between the Debtor or Debtors and his her or their Creditors or if either party Sue or be Sued as Executor or Administrator where there are Mutual Debts between the Testator or intestate & either party, one Debt may be Set against the other & Such matter may be given in Evidence upon the General Issue or pleaded in Bar as the nature of the Case shall require, so as at the time of the pleading the General Issue where any such Debt of the plaintiff his Testator or Intestate is intended to be insisted on in Evidence notice Shall be given OF the particular Sum or Debts So intended to be Insisted on and upon what Account it became due otherwise such Matter shall not be allowed in Evidence upon such General Issue PROVIDED that where any rent shall be due from any prisoner or prisoners at the time of his or their respective Discharges no goods or Chattles then lying or being in or upon the respective Tenements or lands so in lease or lyable to be distrained, shall be removed or disposed of without the Consent of the Land Lord or person to whome the rent is due untill the same (not Exceeding one years rent) be paid or satisfied & that the Land Lord may use all Lawful ways for the having & recovering his rent, So as the Same Exceed not One Years rent by distress or Otherwise as he might have had or Could have done before the Makeing of this Act any thing herein Contained to the Contrary in any wise Notwithstanding

AND PROVIDED ALSO that this Act shall not bar any absent or Distant Creditor who had not notice of the prisoners application to the Court as aforesaid

AND Whereas small Debts under Forty Shillings are Generally Sued for before any one Justice of the peace who upon giving Judgment may award Execution as well against the body as the goods & effects of the Defendant, whereby it may happen that many poor persons may be taken & Imprisoned A long time for very Small Sums of Money to the utter ruin of their families & without any real Benefit of the Creditors, & forasmuch as it will be a very great hardship & Charge upon a poor prisoner Confined for a Small Debt, to oblige him or her to apply to be discharged in the Manner Directed by this Act for persons

imprisoned for a greater sum, Therefore for the Ease of Such poor persons

BE IT ENACTED BY THE AUTHORITY AFORESAID, that where any person or persons shall be charged in Execution for any Sum of Money not Exceeding in the whole Fourty Shillings besides costs of Suit, Such person or persons may by Petition apply to any two Justices of the peace of the County or City where he or She is imprisoned & therein set forth the Truth of his or her Case with a True account of his or her whole Effects which Justices shall thereupon give reasonable Notice to the plaintiff or Creditor to appear before them at a Certain day & place to shew if that the said Debtor or Debtors have some Effects that he or She will not Discover & Yield up for payment of the Debt & Costs at which day the Defendant or Defendants shall make Such Oath or affirmation as in the Case of other Debtors is by this Act Directed to be taken, the Word Ten pound in the said Oath only Excepted & The Word Twenty Shillings in the Case of A Single person, & the word Fifty Shillings in the Case of a marryed person to be Taken or Inserted in stead thereof and if the plaintiff or Creditor shall upon Notice given as afores'd neglect or refuse to appear or appearing & not makeing out to the Said Justices that the Debtor hath Omitted to discover Some of his or her Effects in his or her Petition or to Shew any probability of his or her being foresworn in the said Oath or affirmation then the said Justices Shall Imediately cause the said prisoner to be Discharged upon his or her Makeing an assignment to the plantiff on the said Petition of all the Effects contained therein, the Wearing apparel to the Value of Twenty Shillings if a Single person & to the value of Fifty Shillings if a Married person only Excepted & the persons of the Debtor or Debtors shall never after be arrested for the same Debt or Cost.

BUT yet Notwithstanding such Discharge the Judgment against him her or them shall stand & remain in force, & Execution may be Taken Out thereon against his her or their Lands Tenements Hereditaments Goods or Chattles Except the Wearing Apparel as before is Excepted in the same Manner as if he She or they had never been Discharged in Manner as aforesaid for the said Debt

AND Be it further Enacted by the Authority aforesaid that this Act Shall Continue in force for One Year from the Publication thereof and from thence to the end of the next Session of Generall Assembly & no Longer.

[CHAPTER 559.]

[Chapter 559, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 361. Livingston & Smith and Van Schaack state that this act was repealed by the king, August 12, 1731.]

An Act to prevent the Taking or Levying on Specialties more than the Principal Interest and Cost of Suit and other purposes therein Mentioned

[Passed, October 29, 1730.]

WHEREAS by the Practice of the Courts of Law in this Colony upon Bonds Obligations or Penal bills, Judgements are allways given for the Obligation or Penal Sume, which gives the Plaintiff or his Attorney an advantage of taking or levying from the Defendant more than the Principal Sume, Interest and Cost of Suite do's Justly amount to

BE it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same, that if any Plaintiff or Plaintiffs his or their attorney or attorneys at Law shall after the Publication of this Act, take or Levy by Virtue of any Judgement he or they shall obtaine in any Court of Record within this Colony or upon Actions brought and agreed before Judgement on Bonds Obligations or Penal Bills more than the Principal Debt Lawfull Interest, and also all Such costs as have been expended in any Suit or Suites in Law or Equity upon Such bond or bill Shall fforfeit for every Such offence Double the Damages to the Party Grieved with treble Cost of suite to be recovered in any Court of Record within this Colony, any Law Usage or Custom to the Contrary notwithstanding.

Be it further Enacted by the Authority aforesaid, that each AND every of the Attorneys or practitioners of the Law, who shall obtain any Judgement or Judgements in any Cause, in which he or they are retained in any Court of Record within this Colony and thereupon Issue Execution shall and hereby are obliged at the time of their so Issuing Execution to endorse thereon or annex thereto a Schedule Containing a true Account of the Debt due to the Plantif or Plantives in which account or Schedule Shall be mentioned the Principal debt and Interest (if any due) at the time of the return of Such Execution and also

a perticular Account of the cost Accrued in the said Suite or Suites mentioning therein each article thereof and if any Attorney or Practioner, Shall presume to Deliver or Cause to be delivered, Such Execution to any Sherrif or other officer having the Execution thereof before such account as aforesaid, is Endorsed thereon or annexed thereto, shall for every Such offence Forfeit double Damages to the party Greived, with Treble cost of suit to be recovered in any Court of Record within this Colony any Law Usage or Custom to the Contrary notwithstanding

AND be it further Enacted by the Authority aforesaid, that where any Deffendant or Deffendants his or their Attorney or Attorneys or other Person in his or their behalf, shall pay the Debt and Costs of Suit in any action Commenced in any Court of Record in this Colony, before Execution Issue that then and in such Case the Attorney or Attorneys at Law Concerned in the Action shall and hereby is obliged to give to the Deffendant or Deffendants his or their Attorney or Attorneys or Person appearing in his or their behalf a true Account, of the principal Debt and Interest thereof (if any due) in Separate articles and also an Account of the Costs accrued in said suite or suites particularly mentioning each article thereof, Signing the Same with his name for which he shall receive of the Deffendant one shilling, and no more and if any Attorney shall neglect or refuse to deliver Such account, as is before Directed, to the party making Such payment as aforesaid, shall forfeit to the Party greived the sume of ten pounds with Cost of Suit to be recovered in any Court of Record within this Colony any Law usage or Custome to the Contrary notwithstanding.

And be it Enacted by the same Authority, that if in the Account or Accounts hereby directed to be given or Delivered by Attorneys at Law more shall appear to be Charged therein, then is allowed by the Lawes and ordinances of this Colony, the party Greived may have his action against such Attorney or Attorneys in any Court of Record within this Colony, and the Accounts so signed and Delivered as aforesaid Shall be Deem'd and allowed Sufficient Evidence against Such attorney or attorneys, who shall for Such offence Forfeit to the party Greived double Damages with treble Costs of suit, any usage to the Contrary notwithstanding.

AND be it further Enacted by the Authority aforesaid, that if in any Such Account as aforesaid indorsed or annexed to any

Execution there be any Extravigant or over Charge the Person thereby agreived, may make application to the next Court whence the Process Issued, which Court shall and are hereby Impowered and directed to abate the same and award a returne of the mony, So abated to the party Greived, and if the Creditor or Creditors or his or their Attorney or other officer shall refuse to Comply therewith, he Shall be Subject to be punished in Like manner as for Contemning a rule of Court.

AND be it further Enacted by the Same Authority that every Sheriff under sheriff or other officer to whome the Execution of writts or other precepts are Committed Shall be and hereby are Obliged and directed when he or they shall Execut any writt of Capias ad Satisfaciendum or fieri facias, to deliver to the Deffendant or Deffendants, a true Coppy of the Endorsement or Scheduls thereto affixed, under his or their hands, for which Coppy such Sheriff or other Officer shall receive of the Defendant nine pence and no more, and the account or Scheduls so delivered, shall be good Cause for any Defendant or Defendants on whome such writ shall be Executed to Complain to the next Court if he finds any Extravagent Charge contained therein and Such Court finding any Extravagant or over Charge in Such account, shall abate the same and award the returne thereof in manner as aforesaid & every Sheriffe under Sheriffe or other Officer neglecting or refusing to give Such Coppies as is before directed or shall give fals ones, Shall forfeit for every such offence or neglect, the sume of ten pounds to the party Greived to be recovered in any Court of Record within this Colony, any Law or Usage to the Contrary notwithstanding. And for removing doubts and Scruples Concerning the Issuing of replevins be it Declared and Enacted by the Authority Aforesaid, that it Shall and may be Lawfull for the Clerk of the Supreme Court or any of the Clerks of the Inferiour Courts of Common pleas within this Colony upon application to them made by any Person or Persons to grant to the Person or Persons requiring a writt or writts of Replevin audit a Querela or any other Remedial writt in any Cause or Case Cognizable in the said Courts Respectively, which writts shall be made returnable in the Courts whence they Issued, and shall be good and Effectual in Law to all Intents Constructions and purposes whatever, any Law Usage or practice to the Contrary thereof notwithstanding

[CHAPTER 560.]

[Chapter 560, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 367. Acts repealed hereby are chapters 123, 181, 250 and 341.]

An Act for the more Effectual Preventing and Punishing the Conspiracy and Insurrection of Negro and other Slaves; for the better regulating them and for repealing the Acts herein Mentioned Relating thereto

[Passed, October 29, 1730.]

WHEREAS many Mischiefs have been Occasioned by the too great Liberty allowed to Negro and other Slaves and that some of the Acts relating thereto are Expired and others not fully answering the Good purposes thereby Intended, the General Assembly therefore pray it may be Enacted and be it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that no Person or Persons do hereafter through out this Colony presume to trade or Traffick with any Slave or Slaves either in buying or selling without leave and Consent of the Master or Mistress of Such Slave or Slaves on forfeiture of treble the Value of the thing or things traded for and allso the sum of five pounds Currant Lawfull mony to the Master or Mistress of Such Slave or Slaves for each offence to be recovered of Such Person or Persons so trading contrary to the true intent and meaning of this Act by Action of Debt in any Court of record within this Colony where Such Sum or Sums is Cognizable and all Contracts and Bargains made with any Slave or Slaves shall be utterly void. And whereas notwithstanding Sundry Laws passed heretofore in this Colony for the purposes abovementioned several evil disposed Persons having nothing in View but their private gain do Clandestinely trade and traffick with Slaves, for remedy whereof Be it Enacted by the Authority aforesaid that if any Person or Persons within this Colony shall from and after the Publication of this Act sell any rum or other strong Liquor to any Negro Indian or Mulato Slave or Slaves or shall buy or take in pawn from them any wares Merchandises apparel Tools Instruments or any other Kind of goods whatever and shall thereof be accused by the Master or Mistress of Such Slave or Slaves, or by any

other Person or Persons befor any one Justice of the Peace in the City or County where the offender shall Dwell or reside, shall forfeit and pay the Sume of fourty shillings for every Such offence to be recovered with Costs before the said Justice of the Peace or before any other Justice Dwelling where such offence is Comitted (who is hereby strictly required and Directed to hear and finally to determine the same) unless the Person or Persons Accused as above said do take his her or their Corporal Oath (which Oath the said Justice is hereby Impowered to administer) that he she or they have not either by themselves or by any other Person or Persons on his her or their behalf directly or indirectly Sold bought or taken in pawn any of the thing or things of which he she or they shall be accused in manner as aforesaid: which forfeiture shall be one half to the Informer the other half for the Poor of the City Town manner or Precinct where Such offence is Comitted and upon non payment of the above mentioned penalty the offending party or parties shall be by the said Justices Comitted to the Common Gail there to remaine for THE space of Twenty days unless the said penalty be sooner paid,

AND be it further Enacted by the same Authority that hereafter it Shall and may be Lawfull for any Master or Mistress to Punish his her or their Slave or Slaves for their Crimes and offences at discretion not Extending to Life or Limb

AND for as much as the Number of Slaves in the Citys of New York and Albany as also within the Several Counties Towns and Mannors within this Colony doth daily increase, and that they have been often times guilty of Confederating together in runing away & of other ill and Dangerous practices

Be it therefore Enacted by the aforesaid Authority that it shall not hereafter be Lawfull for above three Slaves to meet together at any time nor at any other Place then when it Shall happen they meet in some servile employment for their Master or Mistresses profitt and by their Master or Mistresses Consent upon penalty of being whipt upon the Naked Back at the discretion of any one Justice of the Peace not Exceeding forty Lasses for each offence

And be it further Enacted by the Same Authority that it shall and may be Lawfull hereafter for every City Town and Mannor within this Colony to have and appoint a Common whipper for their Slaves and for his Salary it shall and may be Lawfull for any City Town or Mannor within this Colony at their Common Council or Town Meeting to agree upon such Sum to be paid him

by the Master or Mistress of Slaves, not Exceeding the sum of three shillings per head for all Such Slaves as shall be whipt as aforesaid, and upon Neglect or refusal of the Master or Mistress to pay the sum so agreed upon as above that then such Slave or Slaves Shall be Comitted untill payment be made with Costs, and in Case any Slave Shall presume to Assault or Strike any Christian or Jew it shall be in the power of any two Justices of the Peace (who by this Act are hereunto Authorised) to Committ Such Slave or Slaves to Prison not Exceeding fourteen days for one fact and to inflict Such other Corporal Punishment not Extending to Life or Limb upon him her or them so offending as to the said Justices Shall Seem meet and reasonable

And be it further Enacted by the Authority aforesaid that no Person or Persons whatsoever do hereafter Imploy Harbour, Conceal or Entertain other mens Slave or Slaves, at their House out House or Plantation without the Consent of his her or their Master or Mistress upon the forfeiture of five pounds for every Twenty four hours (and so proportionably for a Less time) they are So Concealed or Entertained to the said Master or Mistress of Such Slave or Slaves, so that the Penalty for Entertaining such Slave do not Exceed the Value of such Slave and if any Person or Persons whatsoever shall be found guilty of Harbouring Entertaining or Concealing of any Slave or Slaves or assisting to the Conveying him her or them away if Such Slave shall happen to be lost dead or otherwise distroyed such Person or Persons so harbouring entertaining concealing assisting or Conveying them away, shall be also Liable to pay the Value of Such Slave or Slaves to the Master or Mistress to be recovered by action of Debt in Any Court of record. And whereas It often happens that through the Lenity of the said Master or Person under whose Care the said Negroes or Slaves are, the Persons so Entertaining and dealing with them are forgiven and not brought to Condign punishment, to the verry great hurt not only of the said Masters but of other his Majesties leige people owning Negroes and other Slaves

Be it therefore Enacted by the Authority aforesaid that if any Master or Mistress or Person under whose Care any Negro or other Slave is shall forgive make up Compound Compromise or receive or take any other or Less Consideration than is by this Act prescribed, shall forfeit double the sume the said Person or Persons so entertaining ought to have forfeited to be recovered in any Court of Record within this Colony by Action of

debt Bill Complaint or Information wherein there shall be no Essoin protection wager of Law or any more then one Imperlance allowed, one half thereof to any Person that shall sue for the same, the other half to his Majestey his heirs and Successors for and towards defraying the Publick Charge of the City Town burrough mannor, or Precinct in which the Master, Mistress or Person under whose care the said Negroes or other Slaves are, doth dwell or Inhabit

Be it also further Enacted by the same Authority that if any Person or Persons knowing of such Entertainer of Slave or Slaves and does not discover the same to the Master Mistress or Person under whose Care the said Slave or Slaves are or to some one Justice of the Peace or being suspected to know upon Complaint doth not discover the same or upon tender of an oath before any Justice of the Peace before whome such Complaint shall come (who is hereby Authorized to administer the same) shall refuse to take Such oath and purge him her or themselves the said Person or Persons so neglecting or refusing to Discover or take the said oath shall forfeit the sum of Forty Shillings to be immediately after Conviction Levyed upon his her or their goods and Chattles, to the use of the Person or Persons who Shall Informe or complain and in Case there be no goods and Chattles then the body of the Person or Persons Offending shall be Comitted to Gaol till he she or they pay and Sattisfy the Said Sum of Forty Shillings and charges accruing thereon and if it afterwards appear that any Person or persons who by the directions in this Act are in any Case Obliged to purge him her, or themselves by their oath, have Sworn falsly such Person or persons so offending shall incur the Like pains and penalties as those who are found guilty of Willfull perjury and be prosecuted accordingly

And whereas there are many Negroes Indians and Mulattoes who have formerly been Manumitted and made free within this Colony by their Masters or Owners, and it is found by Experience that they entertaine harbour Support and Encourage Negro Indian and Mulatto Slaves, to the Great Damage and Detriment of the Masters or owners of Slaves, and of other of his Majesties Liege Subjects within this Colony

Be it therefore Enacted by the Authority aforesaid that if any NEGROE Indian or Mulatto made or born free, or to be made free hereafter shall Knowingly and wittingly Entertain any Slave or Slaves Absenting himself or themselves from his her or

their Masters or Mistresses Service without leave first given and Signified as aforesaid or without the Master or Person under whose care the said Slave is, be present, the said Negro, Indian or Mulatto So Offending shall be forthwith apprehended and forfeit the sum of Ten Pounds for every night or day they are so Entertained, to the Master or Mistress of such Slave or Slaves to be recovered by Action of debt as aforesaid

AND be it further Enacted by the Same Authority that if any Master or Mistress shall manumitt and sett at Liberty any Negro Indian or Mulatto Slave and such Master or Mistress so manumitting and setting at Liberty, or any other sufficient person for and on behalf Such negro Indian or Mulatto Slave Shall do and Enter into a bond unto his Majesty his heirs and Successors with two Sureties in a sum not Less then two hundred pounds at the General Sessions of the Peace for the County where Such Negro Indian or Mulatto Slave shall Live or reside to keep and save Such Negro, Indian or Mulatto Slave from becoming or being any Charge to the City Town Parish or Place within this Colony where he she or they Shall at any time after Such Manumission live the said negro Indian or Mulatto Shall be free according to such manumission of the Master or Mistress so manumitting and Setting at Liberty Such Slave or Slaves and IF any Negro Indian or Mulatto Slave Shall have been made free or hereafter shall be made free by the Will or testament of any Person Deceased that then if any Executor or Executors of any Person or Persons Deceased or on their Neglect or refusal any other Sufficient Person for and on the behalf of Such Negro Indian or Mulatto Slave shall and do Enter into such Security as aforesaid at the General Sessions of Peace for the County where such negro Indian or Mulatto Slave Shall live or reside to keep and save such Negro Indian or Mulatto Slave from becoming or being any Charge to the City Town Parish or Place within this Colony where he she or they shall at any time after such Manumission live, the said Negro Indian or Mulatto Slave shall be free according to the true intent and meaning of the Will or testament of any Person or Persons deceased, and if Security be not given in Manner as aforesaid such Manumission or devise as beforementioned shall be void and of none Effect any usage or Custom to the Contrary notwithstanding.

And whereas Slaves are the Property of Christians or Jews and cannot without great Loss or detriment to their Masters or Mistresses be Subjected in all Cases Criminal to the Strict Rules of the Laws of England

Be it Enacted by the Authority aforesaid that hereafter if any Slave or Slaves by theft or other tresspass shall damnify any Person or Persons to the Value of five pounds or under, the master or Mistress of such Slave or Slaves shall be Liable to make Satisfaction for Such Damages to the Party injured to be recovered by Action of debt in any Court having Jurisdiction and Cognizance of Pleas to that Value and the Slave or Slaves shall receive corporall punishment at the discretion of any one Justice of the Peace, and immediately thereafter (the Master or Mistress having first paid the Charges of such punishment) be permitted to attend his or her Master or Mistresses Service without further punishment

And be it further Enacted by the Authority aforesaid that hereafter no Slave or Slaves shall be allowed as Evidence or Evidences in any Matter Cause or thing whatsoever excepting in Cases of Plotting or Confederacy among themselves, either to run away Kill or distroy their Master Mistress or any other Person, or burning of houses Barns, barracks or Stacks of hay or of Corne or the Killing of their Master or Mistresses Cattle or Horses and that only against one another, in which Case the evidence of one Slave Shall be allowed good against an other Slave

And be it further Enacted by the same Authority that all and every Negro Indian or other Slave or Slaves who after the Publication of this act Shall Murther or other wise Kill unless by misadventure or in the Execution of Justice, or Conspire or attempt the death of any of his Majesties Leige people not being Slaves or shall attempt or committ any rape on any of the said Subjects or Shall willfully burn any Dwelling House barne Stable out House Stacks of Corn or hay or Shall willfully mutilate mayhem or Dismember any of the said Subjects not being Slaves as aforesaid or shall willfully murder any negro, Indian or Mulatto Slave within this Colony and shall thereof be Convicted befor three or more of his Majesties Justices of the Peace for the County where such fact shall be Comitted one whereof to be of the Quorum (who are hereby Authorized to hear and determine the Same) in Conjunction with five of the Principle freeholders of the County without A Grand Jury seven of whome agreeing shall put their Judgement in Execution according to this Act or before any Court of oyer and Terminer or general Gaol Delivery he she or they so offending shall suffer the pains of death in Such manner and with Such Circumstances as the

Aggravation or Enormity of their Crimes, in the Judgement of the Justices of those Courts aforesaid or as in the Judgement of Seven of the said Justices and freeholders shall meritt and require.

Be it further Enacted by the Authority aforesaid that upon Complaint made to any one Justice of the Peace against any negro Indian or Mulatto Slave or Slaves who have or are Supposed to have Comitted any of the Murders Rapes Maheymys Insurrections or Conspiracies mentioned in this Act the said Justice is Imediately to Issue his Warrant to the next Constable to apprehend the said offender or offenders and for all or any Person or Persons to Come before him that Can give Evidence and if upon Examination it appears that the slave or slaves apprehended are Guilty, he shall Comitt him her or them to prison and also shall certifie to the two next Justices of the Peace the Said Cause and require them by Virtue of this Act to associate themselves to him which the said Justices are hereby require to do and they so associated are to Issue their Summons to five freeholders acquainting them with the Cause, and appointing them the time and Place the same shall be heard and determined; at which time and Place the Justices are hereby impowered to appoint some person to prosecute the said offender or offenders, and the Person so appointed, shall preferr an Accusation in writting Specifying the Time Place and Nature of the offence as near as Conveniently may be to which accusation the Offender or Offenders Shall be obliged to plead, and upon refusal to plead the Like Judgement shall be given against Such Slave or Slaves So Accused as if Convicted by Virdict or Confession, and upon pleading thereto the Justices shall proceed to Trial in conjunction with the said freeholders, so summoned as aforesaid to which freeholders no peremtory Challenge shall be allowed, and if upon hearing the matter (the said ffreeholders being first sworn by the said Justices to Judge according to Evidence) they shall adjudge such Slave or Slaves guilty of the offence complained of they shall give sentence of death upon him her or them as aforesaid, and by their warrant Cause imediate Execution to be done by the Comon or any other Executioner in Such Manner as they shall think fitt.

Provided allways and it is hereby further Enacted by the Authority aforesaid that if any Master or Mistress of any Slave or Slaves be inclined to have his her or their slave or Slaves tryed by a Jury of Twelve men, it shall be granted, such Master

or Mistress paying the Charge of the same not Exceeding nine Shillings to the Jury then and in Such Case there shall a precept be Issued by the Justices to the next Constable to Summon a Jury of twelve men, who shall be sworn to Try according to Evidence, and the Justices shall proceed to Tryall by the said Jury Summon'd and sworn as aforesaid (without a Grand Jury) to which Jurors no peremptory Challenge Shall be allowed

And be it further Enacted by the Authority aforesaid that the Charge of prosecuting and Executing of Negros and other Slaves in manner before Expressed, shall be paid and defrayed by the City or County where such negros or Slaves Shall be Convicted and Executed, and be Lay'd assessed and Levied in the Same manner as the Publick and necessary Charge of Such City or County are or used to be Raised and to be distributed by the order and direction of the Justices, hereby Impowered to hear and determine the Crimes of such negro or other slaves offending as aforesaid So as the said Charge shall not Exceed the sum of three pounds Currant mony of this Colony for each Conviction and Execution

And be it further Enacted by the Authority aforesaid, that the owner or owners of a slave or slaves so Executed in the City and County of Albany or in any of the other Counties within this Colony Shall be paid for the same in like manner as the Charges for Prosecution and Execution is by this Act Directed to be assessed Levy'd and pay'd Provided the Value of such Slave do not Exceed the sum of Twenty five Pounds Current mony of this Colony.

And be it further Enacted by the Same Authority that in the City and County of New York the Justices of the Peace of the said City for the time being or THE major part of them do take Effectual Care in Case such Conviction and Execution happen within their Jurisdiction that Such Charge as abovesaid be Raised Levyed and Collected in the same Manner as is directed in an Act Entituled an Act for settling a Ministry and raising a Maintenance for them in the City of New York, County of Richmond, West Chester and Queens County passed in the fifth year of their Late Majesties King William and Queen Mary, and that the same shall be paid into the hands of the Treasurer or Chamberlain of the said City for the time being who is hereby required to pay the same by order and direction of the Justices hereby impowered to hear and determine the Crimes of such Slave or Slaves offending as aforesaid, so as the Charge of each Conviction

and Execution shall not Exceed the sum of three pounds Current mony of this Colony.

And Be it further Enacted by the same Authority that the owner or owners of such slave or slaves which shall happen to be Executed by Virtue of this Act in the City and County of New York shall be paid for the same, and the mony shall be Assessed Collected and paid as in and by this Act the Justices of the Peace for the said City and County are directed and Impowered to Levy pay and discharge the prosecution and Execution of Slave or Slaves Provided the price to be paid for each Slave so Executed do not Exceed the sum of Twenty five pounds Current mony of this Colony

And be it further Enacted by the Authority aforesaid that it shall not be Lawfull for any Slave or Slaves to have or use any gun Pistoll sword Club or any other Kind of Weapon whatsoever, but in the presence or by the Direction of his her or their Master or Mistress, and in their own Ground on Penalty of being whipt for the same at the discretion of the Justice of the Peace befor whom such Complaint Shall Come or upon the View of the said Justice not Exceeding Twenty Lashes on the bare back for every such offence

And be it further Enacted by the Authority aforesaid, that every Such Justice of the Peace, Constable, Assessor Collector or any other officer as doe neglect delay or Refuse the several duties and Services hereby Enjond to be Respectively Done and performed by them shall for every such offence forfeit the sum of Fourty Shillings, and every freeholder summoned as aforesaid and neglecting or refusing to Serve shall forfeit the sum of Twenty shillings which Penaltie or Penalties shall be recovered befor any two Justices of the Peace dwelling in the City or County where Such Neglect delay or refusal shall happen, to be Levied on the goods and Chattles of the offender by a Constable by warrent from such Justices who are hereby Impowered and Directed upon such neglect delay or refusal to Issue their warrant for Levying the same and one half of Such penalties shall be for the use of the Prosecutor and the other half for the use of the Poor of the Place where such Penalty shall be Levy'd And for Preventing Doubts scruples or Confussion concerning the several Acts of General Assembly heretofore passed in Relation to Slaves

Be it Enacted by the Authority aforesaid that all and every the following Acts, and every Clause article and thing therein

or in the Acts for the Continuance or Revival thereof, shall after the Publication of this Act, be and Hereby are Repealed and made Null and Void that is to Say an Act Entituled an Act for regulating slaves passed in the first year of the Late Queen Anne. an Act Entituled an Act for preventing the Conspiracy of Slaves passed in the Seventh year of the said Queen An Act for preventing, suppressing and punishing the Conspiracy and Insurrection of Negroes and other Slaves passed in the Eleventh year of her said Late Majesty & an Act Entituled an Act for Explaining and rendering more Effectual an Act of the General Assembly of this Colony, Entituled an Act for preventing suppressing and punishing the Conspiracy and Insurrection of Negroes and other slaves passed in the third year of King George the first

[CHAPTER 561.]

[Chapter 561, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 373.]

An Act to Defray the Charge of Victualing his Majestys Troops Posted at Oswego and for other the purposes therein mentioned

[Passed, October 29, 1730.]

WHEREAS among several other Acts of the General Assembly of this Colony Prohibiting the Selling Indian goods to the French or Laying a Duty on them his Majesty has been Pleased to Repeal one Act Entituled an Act for Continuing and Enforcing the Acts therein mentioned for discharging the Present demands on the Trading House at Oswego by borrowing mony of the Excise for the Effectual support of it untill the Twenty fifth day of December one thousand Seven hundred and thirty three for Continueing some Duties and Augmenting others untill that time, for regulating those Duties and the Trade at Oswego for the Gradual repayment of mony borrowed of the Excise and for reduceing former fines if Voluntarily paid within the time therein mentioned Passed in the third year of his Reign, whereby the Provision therein made to Victual the Troops at Oswego, and Defraying the Contingencies attending that Service, doe Cease and Determine, tho the same were Generally approved of and allowed to have afforded a fair Prospect to Answer the Ends thereby Proposed

And Whereas under the present Circumstances of the Trading House at Oswego, there is an Absolute Necessity to Defray the

Expence above mentioned in some other Manner least a Place of such Importance and so advantageously Scituated should be Deserted which would not onely Endanger the Loss of the Furr Trade, but Likewise Lessen the Dependence of the six Nations of Indians on the Crowne of Great Britain

And altho it is still Conceived of the one hand Just and Equitable that the said Expence should be borne either by the Indian Trade or those Trading with them beCause they reap the Entire bennifit of the said House, and of the other that it is both unreasonable and Improbable the other Parts of the Colony should bear any part of that Burden as having no prospect of the least bennifit by it, yet as the Case now stands and to prevent the danger and hazard aforesaid, the General Assembly have Determined to Grant a Suply to defray the Charge and Expence before-mentioned for the Terme of one year in hopes that his Sacred Majesty being in mean while truely and fully Informed of the real state and Importance of this affair, and the Consequences Depending thereon, will be Graciously pleased to allow that the Trade it self or those who reap the onnely bennifit by it doe bear that Charge in the most easy and Equitable manner that Can be Devised every thing which has arisen that way having been apply'd for their Ease and for that use as by the above mentioned Act may appear more at Large

Be it therefore Enacted by his Excellency the Governour, the Council and the General Assembly and it is hereby Enacted by the Authority of the same that there be given and Granted unto his Majesty his heirs and Shucssors, to and for Victualing the Troops at Oswego and for defraying the Contingeneyes attending the same, a tax of three shillings Current mony of this Colony to be paid by every Inhabitant Resident or Sojourner of and in this Colony young and old (except as is hereafter Excepted) as shall wear a whigg or Peruke made of Human or horse hair or mixt by whatsoever Denomination the same may be distinguished from and between the Publication of this Act and the first day of April which will be in the year one thousand Seven hundred and thirty one And for the Effectual Collecting and gethering of the said tax Be it Enacted by the Same Authority that if any minor Servant or apprentice wearing a wigg or peruke as aforesaid Shall neglect refuse or delay to pay the aforesaid tax to the respective Collectors it shall and may be Lawfull for the Respective Collectors to demand the same from his or their parents Guardians masters or mistresses and they not discharging the

same on demand shall be subject and Lyable to be distrained on in Manner as hereinafter shall be directed.

Be it further Enacted by the Authority aforesaid, that the respective Collectors shall be oblidge to signe a Receipt Gratis to every person requiring the same for the mony paid by Such person by virtue of this Act and if it appears by such receipt that the said tax has been paid by the Person therein named in one City or County, he shall be Exempted from paying the same in any other

PROVIDED that all poor People receiving alms from any Parish Congregation or Precinct in this Colony and all Persons belonging to his Majesties regular Troops and in his pay under the Degree of a Commission officer and those belonging to his Majesties Ships of Warr under the Degree of a warrant officer, shall be Exempted from the said tax on Persons wearing wiggs, any thing herein to the Contrary notwithstanding.

And for the more orderly Gathering and Collecting of the three shillings hereby Enacted to be paid by and for Persons within this Colony that wear a wigg or Peruck as aforesaid Be it Enacted by the Authority aforesaid that the Mayors and Aldermen of the Citys of New York and Albany and the Justices of the Peace Or any three of them for the time being for the Several and respective Countys within this Colony do on or before the Second Tuesday of January next meet and assemble together in the Court Houss of the Several and Respective Citys and County3 and then and there order by warrants under their hands and seals to the Collectors for the respective Citys Towns Mannors Libertyes wards and precincts within their several Jurisdictions for the Collecting the Publick and Necessary Charge of each respective City and County that they respectively Collect the aforesaid tax from all and every Person or Persons (Except as before Excepted) wearing a wigg or peruke as aforesaid at any time from & after the Publication of this Act and untill the first day of April next within their respective Jurisdictions.

And be it further Enacted by the same Authority that the said mayor and aldermen of the Citys of New York and Albany and the Justices of the Peace in every County or any two of them shall be and are by are fully Impowered Authorized and required to administer an oath to the respective Collectors aforesaid that they shall and will well and truely according to the best of their Knowledge deliver to the Clarks of the Peace for the respective Cityes and County3 on or before the first Day of may next a

true and Exact Lyst of the names and names of all and every Inhabitant resident or Sojourner young or old that shall or doe within the respective places for which they are or shall be Chosen or appointed Collectors wear a wegg or Perueke as aforesaid after the Publication of this Act and untill the first day of april next.

Be it further Enacted by the Authority aforesaid that the respective Collectors above mentioned shall, upon the receipt of such warrants as aforesaid forthwith proceed to make out the List hereby Directed and Collect the mony to arise and beCome due in their respective wards or Precinct by Virtue of this Act without any delay, so that he shall and doe pay the same to the Treasurer of this Colony on or before the first day of may next Ensuing, and the said Treasurer is thereupon to give to Such Colector a receipt Gratis for the sum of mony payd by him and it shall be Lawfull for the several Collectors to retaine nine pence in the pound for Collecting and paying the same.

And be it further Enacted by the Authority aforesaid, that if any Mayor Aldermen or Justices of the Peace within this Colony who are hereby Impowered Authorized and required to take Effectual care that this Act be duly Executed according to the true Intent and meaning thereof shall refuse neglect or delay to do perform and Execute all or any of the dutys Powers and Authoritys by this Act required to be don and performed by him or them, and thereof be Lawfully Comited in any of his Majestes Courts of record within this Colony he or they shall for such or any of such offences suffer Such pains and penaltys by fine or Imprisonment as by the discretion of the Justices of the said Court shall be adjudged

And be it further Enacted by the Authority aforesaid that if any Collector or Collectors within this Colony for the time being shall deny neglect or refuse to Collect any sum or sums of mony Laid and taxed on wiggs in forme before mentioned or neglect to pay the same as by this Act is directed or shall not within one month after the Expiration of the time Limited in this Act for the Paying thereof produce to the Clarke of the Peace or their deputys for the several Citys and Countys within this Colony a receipt from the Treasurer, for the time being of his or their having paid the mony So by him or them to be Collected as aforesaid as also a True list of the name and names of every Person and Persons as shall have wore a wigg or perucke between the time aforesaid and thereof be Convicted befor any

Justice of the Peace of the Citys and Countys where such offender shall dwell or reside (which said Justice is hereby impowered and required to hear and determine the Same) shall by warrant under the hand and seal of such Justice be Comitted to the Common Goal there to remaine without Bail or mainprize untill he or they deliver such Lystt and pay the mony as aforesaid and the Charge of such prosecution and the said respective Clarks are to transmit a true Coppy of such lyst as aforesaid to the Treasurer with all Convenient speed

And if any Person or Persons shall upon demand made by the respective Collectors refuse neglect or delay to pay the Sum or sums of mony Such Person or Persons is, are or shall be lyable to, by Virtue of this Act, whether for themselves or for Minors Servants or apprentices it shall and may be Lawfull upon Such refusals or non payment to and for such Collector or Collectors to distraine Such person or Persons by his or their goods and Chattles and the distress so taken to be sold and the overplush (if any) to be returned to the owners thereof as usual in such Cases

And be it further Enacted by the Authority aforesaid that if any person or Persons Concerned in the Execution of this Act shall be hereafter sued vexed or molested for what Either he or they shall do in the Execution of this Act and by Virtue of the same he or they may plead the General Issue and give this Act and the special matter in evidence for his and their Excuse and Justification and if the Plaintiff or Plaintifs shall become none Suit discontinue retract or withdraw his or their Action or if a verdict pass against him or them the Defendant or Defendants shall recover and be allowed by the Court where Such Action or actions is brought or tryed his and their treble Cost for which he and they shall have the Like remedy as in Cases where Cost by Law is given to Defendants

Be it further Enacted by the Authority aforesaid that the Sume of five hundred and fifty pounds Currant mony of this Colony out of the mony to arise by this Act be Employed for Victualing the Troops posted at Oswego and defraying the Contingencies attending the Same for the terme of one year from the first day of August now last past in Such manner as shall be hereinafter declared and that the surplush of the mony to arise by Virtue of this Act over and above the Said five hundred and fifty pounds Remaine in the Treasury of this Colony to be Disposed of as Shall be directed by Act or Acts to be hereafter

passed for that purpose and that if the said Fond shall happen to fall Short of the sum above mentioned such Defficiency shall be made up by such other ways and means as shall hereafter be provided for in Manner as aforesaid. And be it Enacted by the same Authority that a Sume not Exceeding Ninety pounds be allowed out of the aforesaid five hundred and fifty pounds for the payment of a Commissary Doctor and Indian Interpreter to reside at the said trading House for the term and time of one Year, and his Excellency is hereby requested either by himself or by the Commissioners of the Indian affairs at Albany to appoint such Commissary Doctor and Interpreter and if such Commissary understands the Indian Language an Interpreter may be omitted whereby the Commissarys Salary might be Increased to such a sum as would Induce an able and discreet Person to under take that service.

And be it further Enacted by the same authority that the Commissary aforesaid be Impowered to receive all provissions and stores for the use and Support of the Troops at Oswego, and that he Issue the same weekly accordingly to the allowance mentioned in the above said Act and do not only prevent all manner of wast, and Embaselement but keep an Exact Book & Render an Account thereof unto the Governour & Council and General Assembly, when thereunto required.

And whereas in the hereinbeforementioned Act a Contract made with Mr Harmanus Wendel for Victualing the Troops at Oswego, and furnishing Sundry stores and paying the Contingent Charges attending the same is perticularly and at Large set forth Be it Enacted by the Authority aforesaid That every Article Clause matter and thing there in Contained to be furnished don and performed on the part of the said Mr Wendle shall be and hereby is Rattified and Confirmed in as full and ample manner to all Intents Constructions and purposes whatever as if the said Contract had been at large Incerted in the body of this Act and the Bond or Recognizance which has been Executed by him in pursuance of the said Act for his performance of the said Contract is hereby fully Confirmed in manner as aforesaid, and the said Mr Wendel is in Consideration thereof to be allowed the same sume of four hundred and Six pounds for ye Ensuing year as in the aforesaid Act is mentioned Payable out of the Fond to arise by Virtue of this Act in the same Manner and at the respective times mentioned in the act aforesaid. And whereas it has been represented to the General Assembly, even by some of the

Persons usally going to Trade at Oswego That some of the remote Nations of Indians coming to Trade there are often used in Such manner by some of our Traders (who seem to having nothing at heart but their owne Immediate Interest) as will inDanger the loss of a Trade alrady Considerably Increased & obtained at a great Expence and might more over be Attended with worse Consequences if not Prevented by putting that Trade under Proper Regulations, and it being Conceived nothing can Conduce more to promote and Encrease that Trade with those Indians, and to Engage and fix them in his Majestys Interest than good usage and upright dealing, the General Assembly therefore Pray that whenever a discreet & Judicious Person shall go to reside at oswego whether it be the Commanding officer the Commissary or any other fit person, be by a Distinct Commission appointed a Justice of the Peace at the said Trading House and the district Properly belonging to it & Be it Enacted by the Authority aforesaid that when a Justice of the Peace shall be so Commissioned he shall have full power and Authority to regulate the Indian Trade at the said Trading House and the Proper district thereof in the Manner herein after directed, and when any dispute shall happen to arise there Between our Traders, and the Indians Trading with them to hear and determine the same and his Judgment or Judgments to be given thereupon shall be Definite, and such Trader or Traders as shall not be Concluded thereby and Comply therewith shall forfeit unto his Majesty, his Heirs and Successors the sume of Twenty pounds to be recovered in any Court of Record within this Colony, by Bill Plaint or Information wherein no Essoyn Protection or wager of Law or more then one Imparlanace shall be allowed one half for the Person that shall sue for and Prosecute the Same to Effect, and the other half for supporting the Trading House at oswego and a Certificate of the facts under the hand and Seal of the said Justice of the Peace shall in this Case be allowed good and Sufficient Proof and it shall and may also be Lawful for the said Justice to hear and Determine differences Between Trader and Trader and if the sume in Controversie does not Exceed Forty shillings, his Judgment thereon shall be definite and Conclusive to the Parties, but if the matter in dispute Exceed that sum an appeal shall lie and be allowed of, according to Law, and for Regulating the Said Indian Trade at oswego and Preventing abuses therein Be it Enacted by the Authority aforesaid in Manner & forme folowing to wit that all Persons going to Trade with

the Indians at Oswego shall fix their Huts in or near the Place where they usually and of Late have built the same and if any of the said Traders shall build or fix their Huts in any other Place, or at a greater Distance than three hundred Yards from the Trading House at Oswego every Person Presuming to do the same shall forfeit the sum of fifty Pounds. That when any Indians are Trading at Oswego the Commanding officer for the time being doe order one or more Centinels to Prevent all and every of our Traders from using any manner of art or Compulsion to Engage and forstall the Trade of the said Indians and if any of the Traders shall notwithstanding make use of such art or Compulsion every Such Trader shall forfeit the sum of Fifty pounds.

That if any of the said Traders shall upon the appearing of one or more Canoes of Indians in the Lake, go with his or their Canoe or other Vessel, and shall either Trade with such Indians or take their bevers or other Skins into Possession or hinder Such Indians from Carrying their Said Bevers or Skins into their owne Huts all and every of the said Traders who shall use such or any Such anticipating or Compulsive means shall forfeit the sum of Fifty pounds. That the Said Justice for Preventing abuses in the Indian Trade there and for Carrying the same on in a fair and Civil Manner shall appoint and assign a Place for the Indians to Lodge or fix their Huts at not Less than Fifty yards distance from the Place herein before mentioned for our Traders to fix their Huts at and that he use all proper Means to Prevent the Indians from being ill used or in any manner of way Compelled to Trade or Act Contrary to their own Inclination and that they be at full Liberty to Trade for what and with whome they Please or where they meet with Suitable Goods and the best and most advantageous Truck or Trade all which aforesaid Forfeitures shall be recovered in Manner as aforesaid and applyed one half for the use of the said Justice or any other Person that shall sue for and recover the same, and the other half to and for the use and Support of the Trading House at Oswego

And be it further Enacted by the Authority aforesaid that all and every sum & sums of mony which by Virtue of this Act shall be Received by the Treasurer of this Colony shall be paid and Issued by him to such Person or Persons and in such manner as he shall from time to time, be directed by warrant or warrants to be passed in Council under the hand and seal of his Excellency the Governour of this Colony which warrants being

indorsed by the Persons to whome they are made payable shall be a good and Sufficient discharge to the said Treasurer for so much as shall be Expressed therein and that the Said Treasurer may retain Six pence in the pound for receiving paying and Rendering an Account of the same.

[CHAPTER 562.]

[Chapter 562, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed.]

An Act for Paying Richard Bradley Esqr
one hundred and fifty pounds, and Henry
Beekman Esqr the Sume of Seventeen pound
ten Shillings, for the Consideration and in the
Manner therein Mentioned

[Passed, October 29, 1730.]

WHEREAS Richard Bradley Esqr his Majesty's Attorney General of this Colony, hath by his humble Memorial Represented to the General Assembly, That notwithstanding he had no Salary for about Six years past, he has within that time Prosecuted Several Forgers and Counterfeiters of the Bills of Credit of this Colony, Coiners of False Dollers and a great number of other Criminals as well for the Service of this Colony in General as for the City of New York in perticular and that for many of them he has Received no Manner of Fee or Reward.

And whereas it appears by a Certificate of the Mayor and Aldermen of the Said City, That Henry Beekman Esqr high Sherife of the City and County of New York hath During his shirevalty Victualed and suported Several Criminal and other Poor Prisoners which they are of opinion does Justly amount to the Sum OF Seaventeen pound ten Shillings Currant money of this Colony.

The General Assembly in Consideration hereof, humbly Prays it may be Enacted, and be it Enacted by his Excellency the Governour, the Council and the Said General Assembly and by the Authority of the Same, That within twenty Days after the Publication of this Act a warrant Issue in Council on the Treasurer of this Colony for the Sume of fifty pounds payable out of unappropriated Money now in his hands by Virtue of an Act Entituled an Act for Licencing hawkers and Pedlers within this Colony

passed in the third year of his Majestys Reign unto the Said Mr Bradley or his order. And Likewise in one or more warrants to be Issued in Manner as aforesaid a further sune of fifty pounds payable to the Said Mr Bradley or his order out of the first Mony that Shall hereafter come into the Treasury by Virtue of the Act above mentioned; and the Said Warrants being pay'd and a proper Receipt Endorsed thereon, Shall be a good Voucher and Discharge to the Treasurer for so much as Shall be mentioned therein on Accounts of the Act aforesaid

And be it further Enacted by the Authority aforesaid, that the Mayor Recorder Aldermen and Assistants of the City of New York, Convened in Common Council or so many of them as do make a Common Council Shall be and hereby Are Impowered and Required to Cause to be Assessed, Levyed and Colected the Sume of Sixty Seven pounds, ten Shillings (besides the Colectors and Treasurers Reward thereof) over and above and at the Same time and in the Same manner as they are Enabled to Raise and Levy the first Tax by Virtue of an Act Entituled an Act to Enable the mayor, Aldermen and Commonality of the City of New York to Raise money for the Terme of three years to purchase two fire Engines and for other purposes therein mentioned, passed this present Session. And the above mentioned Sume of Sixty seven pounds, ten Shillings being received by the Treasurer of the Said City, he is hereby Required to pay the Same on Warrants to be Issued by the Mayor of the Said City in Common Council in the usual Manner to the persons hereinafter named or to their order, that is to Say to the before named Richard Bradley in full Discharge of his aforesaid claimes and Demands the Sume of fifty Pounds.

And to the aforesaid Henry Beekman, the Sume of Seventeen pounds ten Shillings in full of his aforesaid Disbursements.

And the Said City Treasurer having paid Such Warrants, and a proper Receipt thereon the Same, Shall be unto him a good Voucher and Discharge for so much as Shall therein be mentioned.

And be it further Enacted by the Authority aforesaid that the Respective Assessors and Collectors of the Said City of New York Shall have the Same power and be under the Same Restriction in the Assessing and Collecting of the above mentioned Sume of Sixty Seven pounds ten Shillings & shall be Entituled to the Same Reward, and Likewise the City Treasurer, as in and by the Last mentioned act is appointed and Directed.

THE TWENTIETH ASSEMBLY

Fourth Session

(Begun August 25, 1731, 5 George II, Rip Van Dam, President.)

[CHAPTER 563.]

[Chapter 563, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 389. See chapter 553. Continued by chapter 573.]

An Act for the further Continuance of an Act Entituled an Act for Settling and regulating the Militia in this Province and making the Same Usefull for the Security and defence thereof and for Repealing all other Acts relating to the same During the time therein mentioned

[Passed, September 30, 1731.]

WHEREAS an Act Entituled an Act for Settling & regulating the Militia in this Province, and making the same usseful for the Security and Defence thereof and for repealing all other Acts relating to the same during the time therein mentioned passed in the tenth year of his Late Majesty reign, being Expired by its own Limitation was by another Passed in the second year of his present Majestys Reign revived and Continued to be of force for the term of two years, and by one other Act Passed in the fourth year of his Said Majestys Reign further revived & Continued to the first day of October next Ensuing as by the said several Acts Relation being thereunto had may more at Large appear and for as much as it is highly Necessary to have the Militia of this Colony under proper regulations

BE it Enacted by his Honour the President the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled an Act for Settling and regulating the Militia in this Province and making the same useful for the security and Defence Thereof and for repealing all other Acts relating to the same During the time therein mentioned, as Likewise the aforesaid Act passed in the fourth year of his said Majestys Reign Entituled an Act to revive and Enforce an Act Entituled an Act for settling & Regulating the Milita in this Province & Making the same usefull for the Security and Defence thereof and for repealing all other Acts

relating to the Same during the time therein mentioned, shall be and hereby are Enacted to be further Continued and every Clause article and thing therein Contained (Excepting onely such part as shall hereinafter be otherwise provided for and remaine in full force and Virtue to all Intents Constructions and purposes whatsoever from the Publication thereof untill the first day of November which will be in the Year of our Lord one thousand seven hundred and thirty two and no Longer Provided that no Commission officers Belonging to the two Companys of Cadetts or to the Company of Blue Artillery or to the Troop of horse or the Troopers belonging to it in the City of New York shall be subject to serve as Constables in the said City (tho' Chosen) and in that case be Entitled to the same benefett as by the said Last mentioned Act is granted to the Commission officers of the Militia any thing in Either of the said Acts to the Contrary notwithstanding.

[CHAPTER 564.]

[Chapter 564, of Livingston & Smith and Van Schaack, where the title only is printed. Portion of the act is printed in Bradford, 1732 ed., p. 398. See chapter 548. Continued by chapter 572.]

An Act for the Further Continuing an Act Entitled an Act to Let to farm the Excise of strong Liquors Retailled in this Colony for the time therein mentioned, and for Declaring shrub liable to the same Duties as Distilled Liquors

[Passed, September 30, 1731.]

WHEREAS an Act of General Assembly of this Colony Passed in the Second year of his Majestes Reign Entitled an Act, to Let to farm the Excise of strong Liquors retailled in this Colony for the time therein mentioned and for Declaring shrub Liable to the same duties as distilled liquors, being of Force no Longer then untill the first day of November in the Year 1729, was by another Act passed in the third year of his said Majesties Reign Continued to the first Day of November, in the year of our Lord one thousand seven hundred and thirty, and by an other passed in the fourth Year of his Present Majesties Reign continued to the first Day of November next Ensuing & it being Necessary to Continue the same to a further time in order to Let the said Excise to the best advantage

Be it Enacted by his Honor the President Council and the General Assembly, and it is hereby Enacted by the Authority of the same that the above mentioned Act Entitled an Act to Let to farm the Excise of strong Liquors retailed in this Colony for the time therein mentioned, and for Declaring shrub Liable to the same dutys as distilled Liquors shall be and hereby is further Continued and every Clause, article and thing therein Contained, from the first Day of November next Ensuing untill the first day of November which will be in the year of our Lord one thousand seven hundred and thirty two. Be it further Enacted by the authority aforesaid that the Commissioners appointed in the first mentioned Act shall and may Let to Farme the said Excise on any Day of the month of October During the Continuance of this Act, and that Abraham Hearing Esqr shall be and hereby is appointed a Commissioner for the County of Orange, in the Roome and Stead of Albert Minire

[CHAPTER 565.]

[Chapter 565, of Livingston & Smith, where the act is printed in full. Chapter 565, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 395. Revived by chapter 648.]

An Act to Provide Able Pilots and to
Establish their Pilotage between Sandy Hook
and the Port of New York

[Passed, September 30, 1731.]

WHEREAS An Act of the Generall Assembly of this Colony Entituled an act to provide Able Pilots at Sandy Hook and for the Port of New York Passed in the twelfth Year of his Late Majesties Reign is Expired by its Own Limitation. And it being highly Necessary that Skilfull and able Pilots Should be provided and appointed both for the Safety and Conveniency of the Navigation out of and into the Port of New York.

BE it Enacted by his Honour the President the Council and the Generall Assembly and it is hereby Enacted by the Authority of the Same that all and Every such Person or Persons as allready are or shall from time to time during the Continuance of this Act be nominated and appointed in and by warrant or warrants under the hand and Seale of the President or the Governour or Commander in Chief for the time being by and with the advice and

Consent of his Majesties Councill for this Colony to be Pilot or Pilots between Sandy Hook and New York shall be the Pilot and Pilots from the Port of New York to Sandy Hook and from Sandy Hook to the said Port of New York and to and from those Places during the time Such Pilot, or Pilots shall well and Truly performe that Service and comply with the Several Directions of this Act according to the true Intent and Meaning thereof and to the End Such Pilots may have Due Encouragement to attend and performe Such Services.

Be it Enacted by the Authority aforesaid that it Shall and may be Lawfull to and for Every Such Pilot to ask Demand and Receive of and from every Person or Persons that Shall Employ him or them to Pilot any Ship or other Vessel from or without Sandy Hook unto the port of New York or from the Said Port of New York downe to Sandy Hook so far as that they may proceed from thence Safely to Sea from the first Day of Aprill untill the first Day of October Yearly the Rates and Pilotage following in mony as it passes Current in this Colony that is to Say for every Ship or other Vessel drawing ten foot Water the Sum of three pounds, for Every Ship or Vessel drawing Eleven foot Water the Sum of three pounds five Shillings for every Ship or Vessel drawing Twelve foot Water the Sum of three pounds fifteen Shillings, for Every Ship or Vessel drawing thirteen foot water the sum of foure pounds Ten Shillings, for every Ship or Vessel drawing fourteen foot Water the Sum of five pounds, for every Ship or Vessel drawing fifteen foot Water the Sum of Six pounds, for every Ship or Vessel drawing Sixteen foot water the Sum of Seven pounds for every Ship or Vessel drawing seventeen foot Water the Sum of Eight pounds, & for every Ship or Vessel drawing Eighteen foot Water the Sum Of Nine pounds, and from the first Day of October to the first day of Aprill Yearly, the sum of Twenty shillings more for every Such ship or other Vessel Repectively.

Be it Enacted by the same Authority, that if the Person or Persons so Implying Such Pilot or Pilots as aforeaid, shall Refuse or Deny to Pay the Pilotage according to the Rates above mentioned, Either the Mayor Deputy Mayer or Recorder of the City of New York, shall and may upon Complaint thereof made to him or them Cause the Person Complained of to appear before him or them and to award Judgment and if Need be Execution against the Defendant according to the Rates above mentioned, together with

reasonable Charges unless the said Defendant do prove any previous agreement to the Contrary in which Case onely so much Shall be allowed as was so agreed.

And to prevent Exactions by such Pilots be it Enacted by the same Authority, that such Pilots or Pilots so Imployed as aforesaid, as shall presume to ask Demand or Receive any more or higher reward for Pilotage then According to the Rates before mentioned, Shall forfeit for the first offence five pounds like money, one half for the Person Informing and the other half for the use of his Majesty towards the Support of his Government in this Colony, to be Recovered before any two Justices of the Peace in the City of New York and for the second offence be Disabled to act as a Pilot during the Continuance of this Act, and to the End the Pilots Authorized in manner as aforesaid may Duly Discharge THE services hereby Intended, Be it Enacted by the Same Authority, that the Pilots already appointed and each of them Shall within one Month after the Publication of this Act and Such Pilots as shall be hereafter appointed Shall before they act by virtue of Such appointment enter into Recognizance with Sufficient Sureties to be approved of by the said President or the Governour or Commander in Cheife for the time being and the Council in the Penal Sum of Twenty pounds Current mony of this Colony Conditioned that he shall and will within three months thereafter and during his being a Pilot Provide him self with a sufficient Boate fitted with good Tackle apparel and Furniture, and therewith Either Personaly or by some other able and skillfull Person to be Deputed by him attend at or near sandy Hook in order to goe on board of any ship or Vessel bound into sandy Hook and from thence up to the port of New York and such of the said Pilots as shall faile in keeping Such Boat & giving due Attendance as aforesaid (Extremity of wind and weather Excepted) shall not onely be liable to the Penalty above mentioned but thence forward be Disabled to Act as a Pilot during the Continuance of this Act.

And be it further Enacted by the Authority aforesaid, that if Any person or persons not appointed in the manner before mentioned or Deputed by those so Authorized as aforesaid shall presume to take upon him or them to Pilot any ship or Vessel going into or Coming out of the said Port of New York shall forfeit and pay the sum of three pounds to be recovered (before any one Jus-

tice of the Peace in the Colony aforesaid who is hereby Impowered and required the Same to hear and finally to Determine) by any person that will sue for and prosecute the same one half to his Majesty his heirs and Successors to be paid to the Treasurer of this Colony for the time being to be applyed towards the Support of this Government and the other half to the Person or Persons informing and prosecuting the same (in which the Oath of one lawfull Witness shall be Sufficent Evidence) and in Case of non Payment Imediately to be levied upon his or their Goods & Chattels by Warrant from the Justice of the peace before whome such Information shall be brought directed to the High Sheriff of the City or County or any one Constable of the Town in which the said Justice shall Dwell or inhabitt (who is hereby Authorized and required to put the Same in Execution) the said Goods and Chattels (if not Redeem'd in three Days) to be publickly sold to the Highest bidder and the forfeiture and reasonable Charges being first deducted the Overplus (if any) shall be returned to the owner from whome the Goods and Chattels were taken

PROVIDED always that it shall and may be Lawfull for Any person or persons to take under his or their Care and Charge to Pilot Into or out of the said port any Ship or Vessel when and as often as a Pilot Qualifyed and Authorized in manner as aforesaid shall not be Ready at Sandy Hook or at the Port of New York to take upon him the Charge of Piloting such Ship or Vessel so requiring a Pilot as occasion may happen, Provided also that all Masters or Comanders of Ships or other Vessells bound into or out of the Port aforesaid who shall Judge him or themselves Capable of Piloting the Ship or Vessel under his or their Comand shall and may take that charge upon him or themselves without being Obliged to Employ the Pilot or Pilots Authorized as aforesaid or their Deputies or without being liable to the forfeiture above mentioned

And be it Enacted by the Authority aforesaid that this Act shall be Deem'd Taken and Esteemed a Publick Act and allowed and admitted as such in all Courts of Record and by all Justices of the Peace and all other officers within this Colony and that the Same shall be of Force from the Publication thereof untill the first Day of October, which will be in the Year of our Lord one Thousand seven hundred and thirty six

[CHAPTER 566.]

[Chapter 566, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 394. See chapter 523. Repealed by chapter 664, and expired November 10, 1738.]

An Act to Continue an Act Entituled An Act to prevent Damages by Swine in the presinck of Tappan and some other parts Contiguous thereto in the County of Orange

[Passed, September 30, 1731.]

BE it Enacted by his Honour the President Council and General Assembly and it is hereby Enacted by the Authority of the same, that one Act Entituled an Act to prevent Damages by swine in the presinck of Tappan and some other parts Contiguous thereto in the County of Orange passed in the Second Yeare of his Majesties Reign which will Expire by its own limitation on the sixth day of March now next Ensuing shall be Continued and Every Article Clause and thing therein Contained Remain of full force untill the Tenth day of November which will be in the year of our Lord one thousand Seven Hundred and thirty Eight and no Longer

[CHAPTER 567.]

[Chapter 567, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 398. See chapter 516.]

An Act to Explaine part of an Act Entituled an act to repeal Some parts, & to Continue & Enforce other parts of the Act therein mentioned, and for Granting several Duties to his Majesty for suporting his Government in the Colony of New York, from the first day of September one thousand Seven hundred & Twenty eight untill the first day of September, which will be in the year one thousand Seven hundred & thirty three

[Passed, September 30, 1731.]

WHEREAS by some Clauses in the above mentioned Act, Entituled an Act to Repeal Some Parts and to Continue and Enforce other parts of the Act there in mentioned and for granting several Duties to his Majesty for Supporting his Government

in the Colony of New York from the first day of September one thousand Seven hundred and Twenty eight untill the first Day of September which will be in the year one thousand seven hundred and thirty three passed in the Second year of his Majestys Reign, some Doubts & scruples have Arisen whether Negroes taken aboard in Frica & in the same Bottom Imported into this Colony are not Liable to pay four pounds a head in Case the ship or other Vessel which brought them from Africa had before her arrival into this Port, stopt or Entered at any other Ports tho the want of water or refreshment or some other Extraordinary Occassions had Obliged, them thereto, for removing of which Doubts & Scruples BE it Declared & Enacted by his Honnor the President the Council and the General Assembly, and it is hereby Declared and Enacted by the Authority of the same That all Negroes slaves Imported into this Colony from Africa in the Same Ship or Vessel which took them on board in any parts of that coast Shall pay no higer Duty than five ounces in Sivil Pillar or Mexico Plate or Forty shillings in Bills of Credit made Currant in this Colony per head tho such ship or Vessel had before her arrival here Stopt or Entered in any other Part or Parts Provided that the Master or the Mate & some other officer which came in such ship or Vessell from africa, doe make oath before the Collector of this Port, and the Treasurer of this Colony, That all and every the Negroes So Imported here were actually taken aboard of that Vessel on the Cost of Africa, and that they have not been Landed or put ashore, at any other Place since the time they were So taken in by that Vessel on the said Cost, any thing in the before mentioned Act or any other Laws to the Contrary thereof notwithstanding

[CHAPTER 568.]

[Chapter 568, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 374. Expired August 1, 1732.]

An Act to Suport the Troops at Oswego
and to Regulate the Indian Trade there.

[Passed, September 30, 1731.]

WHEREAS upon the Repeal of the Several Acts, Prohibiting the selling of Indian Goods to the French or Laying a Duty on them passed in this Colony from the year one thousand seven hundred & twenty, to the year one thousand seven hundred &

Twenty nine, the General Assembly, being Sencible of what Importance it is to this Colony in perticular, & to his Majestices service in General to maintain the Trading House Erected at Oswego and what fatal Consequence might attend the Desertion thereof did by an Act Entituled an Act to Defray the Charge of Victuling his Majesties Troops Posted at Oswego and for other the Purposes therein mentioned, passed in the fourth year of his Majesties Reign Grant an Extraordinary Levy for the suport of the said House for the terme of one year, as in and by the said Act, refference being thereunto had may appear more at Large.

AND Whereas at the same time the Members of the said Assembly together with the members of his Majesties Council did in an humble representation to the right Honorable the Lords Commissioners for Trade & Plantations, set forth the Nature Scituation and Importance of the said Post at Oswego the prospect it affords to Encrease the Furr Trade to Draw the Remote Indians & Confirme the six Nations in there fidelity to & Dependance on the Crowne of Great Britain And pray'd that the Charge and Expense to suport that place might be borne either by that Trade or those who reap the only benifet by it, or that such Trade might (for that end) be Erected into a Company as in and by the said Representation relation being thereunto had, may more at Large appeare.

And whereas their said Lordships have been pleased to Communicate the aforesaid Representation to several merchants in London Trading to this Colony, who, being Convinced of the Necessity to Keep up & maintain the said House, have no Objection to its being suported by a Tax on the Indian Trade, as Reaping the Bennifit which accrew by the maintaining of that Post, and doe propose two ways for Levying the Same, the one on Bever & Peltry, and the other by Granting Licenses, which they Conceive more Eligible than Laying it on Indian Trade Goods by reason it makes them Dearer to the Indians and Enables our Neighbours the French to supply them on Easser Termes; but upon the whole Submit the same to the Judgments of their Corrispondents in this Colony, as in & by one of their Circular Letters to their Said Corrispondents Dated the first Day of May last & Directed to Mr Stephen De Lancey merchant in New York Relation being thereunto had may more perticularly appear.

And whereas upon Mature Consideration of the proposal aforesaid, and the advice thereon of several Persons perfectly

acquainted in the Indian Trade, it was allowed of all hands, That a Duty on Bever & Furrs would be a means to drive great part of those skinns to our Neighbours tho' a great Numbers of officers & Waiters were Imploy'd to prevent it whose salary or wages would more over very much Impair, if not swallow up that Duty: And that a Tax on our owne Traders for Licenses to Trade with the Indians might furnish the French with an opportunity to supply, the Indians, even with the very goods they procured from this Colony on Easier Termes then our said Traders could afford to doe upon these Considerations It was Conceived & allowed that a Moderate Duty on Strouds, and such a Duty on rum as was Constantly payd on that Liquor Carried to the Indians many years before a Trade was fixed at Oswego, was preferable to the proposals aforesaid & that notwithstanding such Duties our Traders would stil be able to supply the Indians with those two Commodities with much more advantage than the French can afford to doe.

BE it therefore Enacted by his Honour the President the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That there be given & Granted to his Majesty his heirs & Successors to & for Defraying the Cost and Expencc of suporting the Trading House at Oswego to Victual the troops Posted or to be Posted in it, and to Defray the Contingencies attending the same from the first Day of August in this present Year One thousand seven hundred & thirty one, to the first day of August which will be in the year one thousand seven hundred and thirty two and to and for no other use or Purpose whatsoever, the Duties and Impositions following on the goods hereafter mentioned which shall be sold carryed or transported in order to be disposed of to the Indians or to the French from the first Day of October in this Present year one thousand seven hundred and thirty one, to the first day of October which will be in the year one thousand Seven hundred and thirty two both Inclusive, that is to say on every peice of strouds the Quantity of one ounce & five penny weight of Civil piller or Mexico plate or ten shillings in Bills of Credit made Current in this Colony and on every Gallon of rum one shilling in Like mony; And to the end the payment of the said Dutys may not be eluded but Effectually Secured and Collected

Be it Enacted by the authority aforesaid that all the strouds and rum Intended for Sale to the Indians or French which shall be Carryed to and Actually be at any place or placies to the

westward of albany, as farr as the onida Carrying place and at any place or places to the northward of albany as far as Fort Nichollson on the first Day of October next Insuing shall be subject and Lyable to the duty above mentioned, and the owner or owners thereof, or Some other Person or Persons for them, shall be and hereby is & are obliged with In Twelve Days thereafter not only to report & enter the same with the Commissioners hereinafter Named, but Likewise pay to them or securied to be paid unto them the said Duty according to the directions hereinafter mentioned and on failure thereof all such of the said Goods as shall be found or discovered at any of the placies above mentioned & not Entered & the Duty securied in the manner aforesaid after the time above Limitted shall be forfeited unto his Majesty his heirs & Successors & shall & may be seized by the said Commissioners or any other Person or Persons & recovered in any Court of record within this Colony by Bill Plaint or Information wherein no Essoin protection or wager of Law or more than one Imperliance shall be allowed one half of which forfeiture to and for the use of the Person or Persons seizing or procicuting the same to Effect & the other half to & for the use & support of the Trading House at oswego: and to the end Ignorance may not be pretended that strouds & rum Carryed to the places above mentioned are Subject to the Duties aforesaid the said Commissioners are hereby required to notify the same Imediately or within two days after they receive a printed Coppy of this Act by advertisement to be fixted up at the Usual and most publick places & upon Entring & paying or Securing the Duty of such goods in Manner & within the time above mentioned the said Commis'srs or their Deputy is to give a Certificate thereof in manner & forme as shall hereinafter be directed. And as to all other Strouds & rum which now are or may Come into the City or County Of albany after the Commencement & during the Continuance of this Act Be it Enacted by the Authority aforesaid That every Person & Persons carrying sending or transporting any strouds or Rum from the said City or any part of the said County whether sold or with Intent to sell the same to the Indians or to the French Shall first Enter or Report to the Commissioners hereinafternamed or one of their Deputies the full & Exact Quantity thereof, And at the same time become Bound to pay the net Duty of such goods unto them or their order within Sixty days after such Entrey and to Secure the said payment by Recognizance Bond or Bill at the Election of the said Comissioners or their Deputy

BE it Enacted by the Authority aforesaid that Immediately after the Said goods are so Entered & the Duty thereof secured in the manner above mentioned the said Commissioners or either of them or their Deputy shall give a proper Certificate under his or their hand & Seal, of the Persons name so Entring & the Quantity & Specey of the Goods for which the Duty is so secured and for a Certificate of all the goods Entered at one time the Party is to pay one shilling and for a Recognizance two shillings and no more. And to prevent evil disposed Persons to Elude the Duty hereby Lay'd on Strouds by Cutting them in to small peices

Be it Enacted by the Authority aforesaid That of strouds Cutt And Sold in small percels every Twenty four yards shall be accounted as one peice and be subject to pay the Duty of ten shillings Lay'd on it by this Act

BE it also Enacted by the Same Authority that all such strouds and rum as shall be sold to the Indians or French during the Continuance of the said Duty the Person or Persons so selling the same shall be subject Liable and Answerable for the Duty Lay'd thereon by this Act & shall be obliged upon oath to declare the full Quantity of the Goods so sold if thereunto required by the Said Commissioners or either of them and to pay the Duty thereof as fully & Effectually as if the party had Entered into a Recognizance for the same.

BE it further Enacted by the same Authority, that if all or any part of strouds so Entered and the Dutys thereof paid or Secured by any Person or Persons in manner as aforesaid shall be unsold & returned to the Place where a Certificate was Granted for the same within sixty days after its date the Commissioners are hereby Directed & required either to remit & deduct out of the Recognizance Bond or Bill given for the Duty thereof so much as the Duty of such returned strouds amount to or to pay the same back to the party if such duty is paid to the Commissioners before that time Provided the Party Requiering Such remittance or Repayment first swear on the Holy Evanglist, That such strouds were actually Entered and Duty pay'd or Secured for them within sixty days before such swearing and Likewise that he will not again send Carry or Transport them for sale to the Indians or French, untill he shall first Enter & secure the Duty thereof. And to prevent strouds or rum from being Clandestinely sent carred or Transported for sale to the Indians or French

BE it further Enacted by the Authority aforesaid, that if the before named Commissioners shall during the time a Duty is hereby Layd on those goods, have Information or Just Cause to suspect that any Person or Persons has or have sent Carryd or Transported such goods or either of them, without Entering or more than Entered it shall be Lawfull for the said Commissioners and they or one of them are hereby required to Summons such Person or Persons before him or them & he she or they so appearing shall be Obliged to make oath before him or them of the full Quantity of strouds and rume sent Carry'd or Transported for sale to the Indians or French by or for him her or them so summoned from a time to be named by the Commissioners which is not to be before the first of October next, And upon such Information or suspition afterwards, he shall and may Issue such summons or summonses again & again & Cause such oath To be administered, provided the time do not Extend beyond the time at which the Party swore last, and if upon such oath or oaths it appears that more is sent carryd or transported than what has been Duly Entered the Party or Parties is and are hereby obliged Imediately to pay a double Duty of all such goods as shall appear, to be sent or sold without Enterey, or more then Entred or Enter into recognizance to pay it within ten Days thereafter, and on failure of either the same, is to be recovered before any two Justices of the Peace in the Citty or County of Albany who are hereby Impowered & required to award Judgment and (if need be) Execution accordingly without Delay And if the party or Parties so summoned as aforesaid doe not appear at or within fourteen days after such summons is personally served upon him her or them or Left at his her or their usual place of abroad or appearing do refuse to swear & give an Acco't as aforesaid In Either of such Cases he she or they shall forfeit unto his Majesty his heirs & Successors (to & for the use of the said Trading House) the sum of fifty pounds to be recovered in any Court of record within this Colony by action of debt Bill plaint or Information wherein no Essoyn protection or wager of Law or any more then one Imparlance shall be allowed Provided that if such Person or Persons be afterwards summon'd the oath shall onely be required from the time the last Summons was Dated and the said Commissioners are hereby Impowered & Authorized To administer the several oaths in this & in the foregoing Clause mentioned

Be it further Enacted by the same Authority that if any Rume

be found to the westward of the Towne of Schanegtade or any strouds beyond the bounds of the City of albany without such Certificate as aforesaid the same shall be forfeited unto his Majesty his heirs & Successors & recovered in any Court of Record within this Colony by Bill Plaint or Information, wherein no Essoyn Protection or wager of Law or any more then one Imparlance shall be allowed, one half of which forfeiture to be for the use of the Trading House at oswego & the other half to & for any Person or Persons seizing Informing & Prosecuting the same to Effect.

And be it further Enacted by the Authority aforesaid that John De Peyster & John Schuyler Jun'r shall be & hereby are appointed Commissioners for Mannaging securing & Colecting the Dutys above mentioned and for the Effectual doing thereof they are hereby fully authorized to receive such Entrys or Reports and to Grant & Issue such Certificates as aforesaid, Likewise to appoint one or more Deputies under them with the Like or Limited Powers allways provided that they shall be answerable for the Conduct & mannagment of such Deputy or Deputies Provided Likewise that all the mony to arise by Virtue of this Act shall be received by themselves & by them from time to time transmitted to the Treasurer of this Colony and if one of them happen to Dye Before the Determination of the said Duties all the said Powers shall Devolve on the Survivour of them and in Case they both Dye within the said time, then the first Deputy to be appointed by them shall have the same Power & Authority hereby Given unto the said Commissioners untill an other shall be Impowered by a subsequent Act, and in the mean while be subject to all the Directions and rules and to take the same oath and Enter into the same Recognizance and be Entituled to the same reward as in this Act is & shall be mentioned on the behalf of the above named Commissioners

BE it farther Enacted that the said Commissioners shall be & hereby are obliged to doe & performe every thing by this Act required of them to be done & performed according to the true Intent & meaning thereof and not only to keep Exact Books of all the Duties to arise by Virtue of this Act, but allso to render true accounts thereof upon oath to the President or the Governor for the time being the Council & General Assembly, when by them or either of them thereunto required and of all the several sumes they shall receive & Transmit to the Treasurer it shall be Lawfull for them to Retaine in their hands as a Reward

for the trouble & Care by this Act required to be Don & performed by them seven pounds ten shillings on every hundred pounds, and after that rate for a Greater or Lesser sune so received & transmitted as aforesaid

BE it also Enacted by the same Authority That each of the Commissioners aforesaid shall within six Days after a Printed Coppy of this Act shall come up to the City of Albany take the following oath on the Holy Evanglist before the Mayor or recorder of the said City vizt. I A B, doe swear that I will not during the Continuance of the Dutys Imposed by this Act Issue such summonses or administer such oath as I am thereby Impowered to doe against, or to any other Person or Persons, than such as I shall realy suspect or be Imformed, to have sent carry'd transported or sold to Indians or the French, strouds or rume without Entering the same with me or more than what has been so Entered; and that if I send Transport or sell to Indians or to the French any of such goods on my owne Acco't or in Partnership with others, I shall give full Credit for the whole Duty thereof in the book to be Kept by me of the said Duty so help me God. And the said Commissioners are hereby further obliged at or within the time aforesaid severally to enter into Recognizance with two securitys unto our Sovereign Lord the King his heirs & Successors before the said Mayor or Recorder; himself in the sune of one thousand pounds & each of the Securities in the Sume of five hundred Pounds Conditioned that he shall & will well & truly Execute what by this Act he is Impowered & Required to doe in relation to the Duties therein mentioned to pay the mony arising thereby, and render Acco'ts thereof as in and by this Act is Directed

BE it further Enacted by the same Authority that the said Mayor or Recorder of albany who shall administer the aforementioned oath to the said Commissioners or take the above mentioned Recognizances of them, shall within one month after the Date thereof transmit unto ye Treasurer of this Colony the said Recognizances as allso a Certificate that such oaths as aforesaid has been taken before him by the said Commissioners, which said Certificate and recognizances are to be Lodged and remaine in the Treasury

And whereas Mr Harmanus Wendel of the Citty of albany did undertake in the year one thousand seven hundred & Twenty Nine for the terme of three years to Victual his Majestys Troops possted or to be Posted at, the Trading House at oswego & to

furnish sundry stores there & to pay the Contingencys attending the same at his Proper Cost and Charge.

Be it Enacted by the Authority aforesaid that every article Clause Matter & thing mentioned to be performed of his part in a Contract made with him in Consequence thereof, and perticulary and at Large set forth and Expressed in a Repealed Act Entituled an Act for Continuing & Enforcing the Acts therein mentioned for Descharging the present Demands on the trading House at Oswego by borroing mony of the Excise for the Effectual support of it untill the Twenty fifth Day of December one thousand seven hundred & thirty Three for Continuing some Dutyes and Augmenting others untill that time for regulating those Dutys and the Trade at Oswego for the Gradual repayment of mony Borrowed of the Excise and for reduceing former fines if Voluntarily paid within the time therein Limited passed in the third year of his Majesties Reign which said Contract is (Confirmed by the herein first mentioned Act passed in the fourth year of his Majesties Reign) shall be and hereby is farther Rattified and confirmed from the first Day of August in this present year one thousand seven hundred and thirty one untill the first Day of August which will be in the year one thousand Seven hundred & thirty two in as full & ample manner to all Intents Purposes & Constructions whatsoever as if the said Contract had been at Large Incerted in the Body of this Act

BE it farther Enacted by the same Authority that if the said Mr Wendle his Executors or administrators, shall well & Truely Furnish and Performe for the above mentioned Ensuing year all & every Matter & thing in the aforesaid Contract mentioned to be don and performed of his part, there shall be allowed and paid for the same to him his Executors or administrators the sume of four hundred & six pounds at the times and in the manner herein after mentioned; But on failure of performing for the said year all and every the perticulars in the aforesaid Contract mentioned to be don and performed on his Part then & in such Case the Recognizance by him Entered into persuant to the Said Contract shall still be and Remaine of full Force & Virtue

And be it farther Enacted by the Authority aforesaid That out of the mony to arise by Virtue of this Act the sume of five hundred & eighty five pounds, shall be Imployed for Victualing the Troops at Oswego & Defraying the Contingencies attending the same for the above mentioned year, Ending the first Day of

August which will be in the year one thousand seven hundred & thirty two in the manner hereinaftermentioned. That is to say to Mr. Harmanus Wendel upon his Performance of the aforesaid Contract for the said Ensuing year the sume of four hundred & six pounds, for a Doctor to Reside and attend on the Troops at Oswego for the terme of one whole year a sume not Exceeding the sume of forty pounds for new shingling & repairing the House at Oswego a sume not Exceeding the sum of sixty pounds. For a Commissary to Inspect and regulate the Indian Trade & traders at Oswego, during the Cheife time of the trade there to wit from the first day of April to the first day of August next Insuing a sume not Exceeding the sume of fifty pounds; for sundry Incidents that may be Requisite besides what Mr. Wendel is obliged to Furnish, a sume not Exceding the sume of Twenty pounds four shillings and to Evert Wendel Jun'r his Executors administrators or assignes for forty four days on a Voyage to Oswego in October & November anno one thousand seven hundred & Twenty eight and hither to omitted to be allowed the sum of eight Pounds sixteen shillings, to be paid by the Treasurer out of the Fond to arise by Virtue of this Act, and a proper Receipt of the said Mr Wendel shall be a Sufficient discharge for so much to the said Treasurer; And the better to Encourage & Enable Mr Harmanus Wendel to furnish Provisions & performe his said Contract for the before mentioned Ensuing year

BE it Enacted by the Authority aforesaid that Messieurs Rutger Bleiker John De Peyster and Derick Tenbrock who were Commissioners to Collect the Duties Lay'd by a Repealed Act passed in the year one thousand seven hundred & twenty seven shall out of the two hundred & eighteen pounds ten shillings (which by their account dated the Sixteenth of September Anno one thousand Seven hundred & thirty appears to remaine in their hands) retaine to their owne use the reward and Commission allowed to them by the said Act and to pay all the remainder of the above mentioned sume within ten days after a Printed Copy of this act shall come up to Albany, unto the said Mr Wandel his Executors or administrators, who is and are thereupon obliged to give four Receipts for the same; one of which the said Late Commissioners are to keep as a proper Voucher for themselves: one other they are to Transmit to the President, one other to the Secretarys office, and the fourth to the Treasurer of this Colony to the End it may be Knowne how much more will then Remaine Due to the said Mr Wendel, for the said Ensuing year, And for so much as

shall appear in the Manner abovementioned to be then wanting to Compleat the four hundred & Six pounds allowed by the aforesaid Contract, a warrant is to Issue on the first Day of February next Ensuing by the President or the Governor for the time being in Council on the Treasurer of this Colony Payable to the said Mr Wendel out of the Fond to arise by Virtue of this Act. And for the orderly payment of the several other articles hereinbefore allowed

BE it Enacted by the Authority aforesaid that the Commissioners for Indian affairs at Albany shall be & hereby are Impowered to agree by & with the approbation of his Honnor the President with a fit & Discret person propper to be a Commissary at oswego during the time & for the purpose abovementioned. And for the new shingling & Repairing of the House there, in the most frugal & best Manner as allso to provide (by the approbation aforesaid) at the Cheapest rates such Incidents as may really be wanting for the use of the said House more than Mr Wendel is obliged to furnish so nevertheless as that none of the respective sumes beforementioned may be Exceeded; And the said Commissioners are farther Required to give proper Certificates to the Persons performing such Services or furnishing such Incidents, as Likewise how Long the Doctor has served in order to be Layd before the President or the Governor for the time being and the Council and thereupon warrants are to Issue in Council for the several Sums so Certified on the Treasurer of this Colony payable to the Persons named in such Certificates out of the Fond to arise by Virtue of this Act, provided such sums do not Exceed the respective sums above mentioned

BE it farther Enacted by the Authority aforesaid that after all the several articles beforementioned are Discharged by the fond to arise by Virtue of this Act there shall in the first place be made good all such Deficiency as happened in the Last years provision for the suport of oswego by Virtue of an Act Entituled an Act to Defray the Charge of Victualing his Majestys Troops posted at oswego, and for other the purposes therein mentioned passed in October one thousand seven hundred & thirty and in the next, the Treasurer is to replace to the Act passed in the year one thousand seven hundred and Twenty seven so much as the above named Mess'rs Bleeker De Peyster & Tenbroek shall pay unto Mr Wendel in persuance of this Act and all the residue of the said Fond shall remaine in the Treasury to & for the use and suport of the Trading House at oswego and be disposed of as by

Act or Acts of General Assembly hereafter to be passed for that purpose shall be directed. And whereas the regulations prescribed in And by the herein first mentioned Act for the Indian Trade and Traders having (as it is Credibly affirmed) been strickter observed, and the Indians better Protected in their Freedom of Trade at Oswego this season than Last Year it may reasonably be allowed to have been a great means that the Bever and Furr Trade there, has this summer very much Exceeded the Last; and it may Justly be Expected that the Like Measures will produce the Like good Effects since nothing Engages Indians more than Freedom of Trade, good usage and upright Dealing The General Assembly therefore pray that the Commissary hereby Intended to reside at Oswego during the season hereinbefore mentioned may by a distinct Commission be appointed a Justice of the Peace at Oswego, and the District properly belonging to it and that he may have the sole Inspection ordering and regulating the Indian Trade, and Traders there according to the several Directions herein aftermentioned and Likewise that the officer Comanding or to Command the Troops at that Post, may be strictly charged not to Interfere with the said Commissary therein allso that from time to time Centinels may be placed at such Places as the said Commissary shall desire that himself and the men under his command doe Civily Entreat all the Indians and Traders that shall come there, and to prevent their being Misused or Evily Entreated and Lastly that he take Especiall Care that the Provisions brought there for the Troops may be Secured & preserved, and duely Issued every week according to the allowances mentioned in one of the aforesaid Acts.

And be it Enacted by the Authority aforesaid that when the said Commissary shall so be appointed a Justice of the Peace he shall during all the time he is or Resides at Oswego, have the sole Inspection, ordering & regulating the Indian Trade & Traders, who shall be or come at that Place & the District properly appertaining to it, according to the several Powers & directions of this Act: & when any Dispute shall happen to arise there between our Traders and the Indians trading with them he shall Likewise have full Power & authority to hear & dermine the same and his Judgment or Judgements to be given thereupon shall be final, & such trader or Traders as shall not be Concluded thereby and comply therewith, shall forfeit unto his Majesty his heirs & Successors the sume of Twenty pounds to be recovered in any Court of Record within this Colony by Bill plaint or Information wherein no Essoyn protection or wager of Law or more

then one Imparlance shall be allowed, one half for the Person that shall sue for and prosecute the same to Effect & the other half for supporting the Trading house at Oswego, & a Certificate of the facts under the hand & seal of the said Justice of the Peace shall in this Case be allowed good & Sufficient proof, & it shall & may also be Lawfull for the said Justice to hear & Determine Differences between Trader & Trader and if the sume in Controversy does not Exceed fourty shillings his Judgement thereon shall be diffinite & Conclusive to the Parties, but if the matter in Difference Exceed that sume an appeal shall Lye & be allowed of according to Law. And for regulating the said Indian Trade at Oswego & preventing abuses therein

BE it Enacted by the Authority aforesaid in manner & forme following (towit) that all Persons going to Trade with the Indians at Oswego shall fix their Huts in or near the place where they usually & of Late have built the same & if any of the said Traders shall build or fix their huts in any other place or at a greater Distance than three hundred yards from the Trading House at Oswego every Person presuming to doe the same shall forfeit the sume of Fifty pounds, that when any Indians are Trading at Oswego the Commanding officer for the time being do order one or more Centinells to prevent all & every of our Traders from using any Manner of art or Compulsion to Engage & forstall the Trade of the said Indians & if any of the Traders, shall notwithstanding make use of any such art or Compulsion every such Trader shall forfeit the sume of fifty pounds, That if any of the said Traders shall upon the appearing of one or more Cannoes, with Indians on the Lake goe with his or their Cannoe or other Vessell and shall either Trade with such Indians or take their Bevers or other skins into possession or hinder such Indians from Carrying such Bevers or skins into their Owne Huts all & every of the said Traders who shall use such or any Such Antecipating or Compulsive means shall forfeit the sume of fifty pounds That the said Justice for preventing abuses in the Indian Trade there & for carrying the same on in a fair & Civil manner shall appoint & assigne a place for the Indians to Lodge or fix their huts, at not Less then fifty yards distance from the place hereinbefore-mentioned for our Traders to fix their huts at, & that he use all proper means to prevent the Indians from being ill used or in any manner of way Compell'd to trade or Act Contrary to their owne Inclinations, & that they be at full liberty to Trade for what & with whome they please or where they meet with suitable Goods & the best or most advantagous Truck or Trade, All-

ways Provided that in the absence of such a Commissary at Oswego, the Commanding officer there shall be Vested with all & singular the Power hereby given to the said Commissary in relation to the Indian Trade & Traders at that place. And whereas the six Nations of Indians have often as well in their publick Treaties as otherwise desired that no rum might be Carried to their Country by reason it makes their young men unruly & prevents their going to Hunt for Bever & it being Justly apprehended that the Carrying of strong Liquors among them for Sale may one time or other be attended with very pernicious Consequences

Be it Enacted by the Authority aforesaid that if any of the here in before mentioned Traders or any other Person or Persons shall sell any rum to the Six Nations of Indians in their respective Contreys (the Mohacks Country onely Excepted) shall for every such offence forfeit the sume of Twenty Pounds to be recovered upon the oath of any one Credible witness & apply'd in the manner herein mentioned.

BE it Provided & Enacted by the Authority aforesaid That all such rum or other Distilled Licquors as by this Act are Subject & Liable to pay the sume of one shilling on every Gallon, & for which such Duty shall be Actually Pay'd or Securied to be paid in Manner as aforesaid shall During the Continuance of the said Duty by this Act Be Exempted of the Duty of Excise Layd by an Act Entituled an Act for Laying an Excise on all strong Liquors retailed in this Colony passed in the Twelfth year of her Late Majestys Reign the said act or any other Law to the Contrary thereof in any wise notwithstanding

Be it farther Enacted by the same Authority that neither the Commanding or any other officer Drummer or Private soldier posted or to be posted at Oswego nor the Commissary or Doctor residing there under Pay or salary shall Trade Directly or Indirectly with the Indians at that Place either on his or their owne accounts or on the acco'ts or for the use of any other Person or Persons, And if such Commanding officer Commissary or Doctor shall nevertheless presume to Trade with the Indians there, he or they so offending shall forfeit the sume of fifty pounds & if any under officer Drum or Private Soldjer shall presume so to trade, all the goods wherewith he or they so Trade or have Traded for, shall Immediately be Seized By the said Commissary and forfeit to his Majesty, to be recovered & applyed as hereinafter is Directed, And if the said Commissary shall presume to Compromise any of the offences against this Act, whereby such

Facts might be stifled, he shall be Liable & forfeit the same fine or Penalty to which the Party is or was subject for the offence so Compromised & made up with him and Such making up shall in no wise Exempt the offender from the Fine or Penalty incurred by him

BE it Enacted by the same Authority that all & every the fines Penalties & Forfeitures abovementioned & not otherwise herein before provided for, shall and may be recovered by the said Commissary or any other Person or Persons in any Court of Record within this Colony, By Bill Plaint or Information, wherein no Essoyn Protection or wager of Law, or more than one Imparlance shall be allowed one half whereof to & for the use of the Person that shall sue for & Prosecute the same to Effect, & the other half, to be transmitted to the Treasurer of this Colony & for the use & support of the aforesaid Trading House at Oswego

Be it further Enacted by the Authority aforesaid That the Treasurer of this Colony shall out of the mony to arise by this Act pay & Discharge all such warrants as shall be Issued in Council by Virtue thereof, as Likewise such other articles as are therein allowed & proper receipts being Endorsed thereon by the Person or Persons to whome the same are made payable, shall be a good and Sufficient Discharge for so much as shall be mentioned and Expressed therein

AND BE it Enacted by the same Authority that of all the several & Respective Sumes of mony which the Said Treasurer shall receive & pay by Virtue of this Act, he shall keep Exact & Distinct books, & render true Accounts thereof upon oath to the President or the Governor for the time being, to the Council & to the General Assembly when by them or either of them thereunto required, and that it shall be Lawfull for him to retaine in his owne hands, as a Reward for his Trouble & Care therein Six pence on every pound he shall receive & Pay by Virtue of this act.

[CHAPTER 569.]

[Chapter 569, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 390.]

An Act for fortifying the City of Albany

[Passed, September 30, 1731.]

WHEREAS the Fortifications of the City of Albany are at present & for some time were out of repair and that it is highly necessary that the said City should be put in a Posture of

Defence and Whereas two of the Block houses ordered directed and appointed to be made erected & Compleatly finished at the cost and charges of the Inhabitants Freeholders and sojourners of and in the said City of Albany by Virtue of an Act of the General Assembly of this Colony made in the Tenth year of his Late Majestys reign Entituled an Act for the fortifying the City of Albany were not made and erected within the time by the said Act directed and appointed

BE it therefore Enacted by the President & Council and General Assembly, and it is hereby Enacted by the Authority of the same that the said two beforementioned Block Houses so ordered and directed to be built and erected by Virtue of the beforementioned Act in manner aforesaid and have not accordingly been built and erected shall be and hereby are ordered and directed to be built erected and Compleatly finished at the proper Cost and Charges of the Freeholders Inhabitants and sojourners of and in the said City of albany so that the same be Compleatly finished erected and built on or before the first Day of November in the Year of our Lord one thousand seven hundred & thirty two, and for the more orderly building of the said two Block houses BE it Enacted by the Authority Aforesaid that the Mayor Recorder and Aldermen of the said City of Albany or the major part of them be and are hereby required and fully Authorised and Impowered to meet at the City Hall of the said City on the first Tuesday in November in the present year of our Lord one thousand seven hundred & thirty one, and then & there give Imediate Directions for the Building & Compleating the said two Block Houses in such part of the said City, as to the said Mayor Recorder and Aldermen or the major part of them, shall seem most proper for the Defence of the Said City; And that for the Defraying the Charges thereof they do follow perform and Execute all the powers and Authorities Granted to the Mayor recorder aldermen and Common Council of the said City by an other Act of General Assembly made in the twelfth year of his Late Majesties Reign Entituled an Act to Enable the Mayor aldermen & Commonalty of the City of Albany to pay for materialls and workmanship of two Block Houses with this Difference that the mony thereby ordered to be raised and made payable in the year one thousand seven hundred & Twenty five be now raised & made payable at Such time and times in the year one thousand seven hundred and thirty two as to the said Mayor Recorder & Aldermen or the Major. part of them shall seem meet

And be it further Enacted by the Authority aforesaid that for the better fortifying the said City of Albany that the Mayor Recorder and Aldermen of the Said City or the major part of them are hereby required and fully Authorised and Impowered from time to time and at all times hereafter during the time of three years now next Ensuing to meet at the City Hall of the said City and then and there give orders and directions for the better fortifying of the said City with stone Batteries or Block Houses with full power and Authority allso during the time aforesaid to remove such Block Houses as are already Built to more Convenient places of the said City as to them or the major part of them in their discretion shall seem most proper and Convenient for the Defence of the said City

AND WHEREAS it may so happen that the said Mayor Recorder and Aldermen of the said City or the major part of them shall think it Convenient to build the Fortifications by this Act Intended on the Lands and Possessions of private Persons whereby many disputes are like to arise for the Preventing whereof, BE it Enacted by the Authority aforesaid that if the said mayor Recorder and Aldermen or the Major part of them shall direct any of the said Fortifications to be built and Erected on any of the Lands and Possessions of any Private Persons that then it shall and may be Lawfull to & for the said Mayor Recorder and Aldermen or the Major part of them to Summons the owner or Owners of Such Lands before them at the City Hall of the said City and Endeavour in a friendly and Amicable manner to purchase the said Lands for the use of the said City at such reasonable rates as they shall agree on. But if the owner or owners of the said Lands Shall be unwilling to Sell and dispose of the same for the uses aforesaid or that the price cannot be agreed on that then it shall and may be Lawfull to and for the said Mayor Recorder and Aldermen or the Major part of them to Issue out their warrant or warrants, under their hands and seales directed to the high sherif of the said City and County to Summons twelve good & Lawfull men of his Bailwick to View the Lands and Possessions of Such person and Persons respectively by the said Mayor Recorder and Aldermen or the major part of them directed to build any of the said fortifications upon and to appraise the Value thereof and the Damage which the owner or owners thereof may respectively suffer by reason of such Fortifications & return the same to the said Mayor Recorder and Aldermen or the Major part of them under

their hands & Seales & thereupon, the said Mayor Recorder Aldermen & Comonalty of the said City or so many of them as do Constitute a Comon Council shall cause the sune so appraised to be paid to the respective owner or owners of the Said Lands within six months next and after such appraisement made and Returned in manner aforesaid And upon such payment such Lands & Possessions shall be held deemed and Esteemed to belong to the Corporation of the said City and their Successors for ever any Law usage or Custom to the Contrary hereof in any ways notwithstanding

And be it further Enacted by the Authority aforesaid that the Charges for making & erecting the fortifications hereby Intended to be Built shall be paid & Defray'd within three years abovementioned in manner following that is to say two third parts thereof by the Inhabitants freeholders and sojourners of and in the said City of Albany and the other one third part thereof by the Freeholders and Inhabitants of the said County of Albany allways Excepting the freeholders & Inhabitants of the Township of Schanegtade & the Farms & Plantations Scituated above the said Township on the Mowhaks Rivers shall be & hereby are Excepted from the paying of any sum or sums of mony towards the same any thing herein Contained to the Contrary in any wise notwithstanding provided always that the said Charges do not Exceed the sum of four hundred & fifty pounds.

And for the more easy & Effectual Raising & Levying the monys necessary for the purposes aforesaid, BE it Enacted by the Authority aforesaid that it shall and may be Lawfull to and for the Mayor Recorder Aldermen & the Justices of the Peace of the said City & County or the Major part of them for the Time being (the Justices residing within the said Township and those above the said Township on the Mohacks River always Excepted) and they are hereby Authorized Impowered and required to Assemble in the City Hall of the said City or such other place and places in the said City as unto them shall seem meet at any time or times in the said three years respectively and then and there Cause to Come before them or the Major part of them as aforesaid, the Assessors of the said City and County, Except as above Excepted, and direct them by warrants under their or the Major part of their hands and seales to assess on the Estates real and personall of the Freeholders, Inhabitants, Residents and Sojourners of and in the said City and County of Albany

(Except as before Excepted) respectively such sum & sums of money as the said Mayor Recorder Aldermen and Justices of the peace or the major part of them shall Judge to be necessary for the purposes aforesaid in the three years aforesaid or in any of them and in the proportion aforesaid not Exceeding the sum of four hundred and fifty pounds in the said three years, so that they return their assessments under their hands and Seals unto the said Mayor Recorder Aldermen and Justices or the Major part of them at such time or times as they shall be directed by the said Mayor Recorder Aldermen and Justices or the major part of them in each or any of the years aforesaid upon which return the said Mayor Recorder Aldermen and Justices or the Major part of them are hereby directed and Impowered to Issue their warrants to THE respective Collectors of the said City and County for the time being to Collect the sune and Sumes So respectively assessed of and from all and every the freeholders Inhabitants Residents and sojourners in the City and County of Albany (Except as before Excepted) so that they pay in the said sum and sums so Collected in each or any of the respective years as aforesaid unto the Treasurer of the said County at Such days and times in every or any of the said three years, as the said Mayor Recorder, Aldermen and Justices or the major part of them for the time being shall Direct and appoint to be afterwards disposed of for the uses hereinbeforementioned and Exprest and not otherwise by warrants under the hands and Seales of the said Mayor Recorder Aldermen and Justices for the time being or the major part of them Provided always that every Collector respectively be allowed nine pence in the pound for his trouble and paines in Collecting and receiving the same and to the Treasurer of the said City & County Six pence in the pound for his paines and Care therein to be assessed Levyed and paid over and above what shall annually be so ordered to be raised

And be it further Enacted by the same Authority that each and every of the assessors aforesaid shall before they make such assessment take an oath on the Holy Evangelists that each of them will well Truely Equally and Impartially assess according to the best of their Judgements each and every the Freeholders Inhabitants Residents and Sojourners, within the Several wards or precincts for which they are respectively Chosen or appointed assessors which oath the said Mayor Recorder Aldermen and Justices or any two of them are hereby Impowered and required to administer

And be it further Enacted by the Authority aforesaid that if any of the Assessors aforesaid shall deny neglect or unequally and partially assess or refuse to make such assessment as by this Act is appointed or such of the said collectors as shall deny neglect or refuse to Collect any sum or sums of mony to be Laid taxed and Assessed by Virtue of this Act, and thereof be convicted before any two Justices of the Peace of the said City & County who are hereby required and Impowered to hear and Determine the same, shall by warrant under the hands and Seales of the said Justices of the peace be Committed to the Common Goal of the said and County there to remaine without bail or mainprise till he or they shall make fine and ransom to his majestie for such his Contempt as aforesaid.

And be it further Enacted by the Authority aforesaid that if any Person or Persons residing in the said City and County of Albany (Except as before Excepted) shall refuse neglect or delay to pay the several sum or sums of mony so to be Assessed and Collected as aforesaid for such person or persons to pay upon Demand made by the Collector of the respective ward or district of the said City and County of albany where such Person or Persons shall dwell or reside it shall and may be Lawfull to and for Such Collector to distrain such person or Persons so refusing delaying or neglecting upon his and their goods and Chattles and the distress so taken to carry away and to keep the space of four days at the Cost and Charge of the owner thereof and if the owner or owners thereof do not pay the said sume and Sumes of money so distrained for within the said four Days then the said distress to be publickly sold by the Collectors for the payment of the said mony and the overplus coming by such sale (if any there be) over and above the Charge of taking keeping and Selling the distress to be Imediately returned to the owner

AND be it further Enacted by the Authority aforesaid that if the Mayor Recorder Aldermen or Justice of the Peace within the said City and County of albany who are hereby required Impowered and Authorized to take Effectual Care that this Act be duly Executed according to the true Intent and meaning thereof shall deny refuse neglect or delay to performe and Execute all or any of the Powers duties and Authorities by this Act required of him or them to be done and shall thereof be Lawfully convict in any of his Majesties Courts of Record within this Colony, he or they shall suffer such pains by fine and Imprisenment as by the discretion of the Justices of the said Court shall be adjudged

Always Provided, and be it further Enacted by the Authority aforesaid That when the said Mayor Recorder and Aldermen or the major part of them shall have pitched upon such Place or Places as they Judge proper and Convenient, on which to Erect and build the fortifications hereby Intended to be built and Erected; they shall give a perticular Account and Discription of such place and places to the President or to the Governour and Capt General for the time being in order to have his approbation thereof, And on such place or places as shall be so approved of, the said fortifications shall and may be built and Erected and not before any thing herein before to the Contrary thereof notwithstanding

[CHAPTER 570.]

[Chapter 570, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732. Revived by chapter 589.]

An Act to Enlarge and release Andrew Law Junier upon surrendring of his Estate in the Manner and for the use therein Mentioned.

[Passed, September 30, 1731.]

WHEREAS Andrew Law Jun'r Late Collector of taxes in the East ward of the City of New York hath been very remiss and Negligent in Collecting and paying the Quotes to be paid by the said Ward of the taxes raised by Virtue of several Acts of the General Assembly passed in the years one thousand Seaven hundred and Twenty four one thousand seven hundred and Twenty five, one thousand seven hundred and Twenty six and one thousand seven hundred and Twenty seven, by means of which Remisnes and Neglect the Treasurer of this Colony did in pursuance of an Act of the General Assembly Entituled an Act for the Effectual recovery of the arrears of the several taxes and of the Excise therein Mentioned and for securing the Duties on Slaves not Imported in the City of New York, and for Impowering the Treasurer for those purposes passed in the third year of his Majestys Reign, Cause a prosecution at Law to be Commenced against the said Collector for the Arrears of taxes due and to be paid by the said Ward, for the time the said Law was Collector thereof AND WHEREAS the said Andrew Law by his Petition presented to the General Assembly of this Colony doth suggest that by reason of disappointments and other Defficultys happen-

ing unto him he was not able to gether in the much greater Part of the Quotes of the said Ward within the time Limited for that purpose and that by means thereof the said much greater part doth as yet remaine due from the several Freeholders and the then Inhabitants of the said Ward as by the several tax rolls and affidavits of the Petitioner thereunto annexed may appear and that the Petitioners Circumstances for Some time past involved him in such difficulties as made it unsafe for him to appear abroad soe as to Enable him to doe his bussness and get mony to discharge at Least some part of what he is in arrear of the said taxes by him received, and that now he is All together rendred incapable of doing it or providing for himself and his family by reason of his present Confinement, and that unless he be in Some Measure releived by the Clemency of the said House he must Enevitably remaine in Goal all the days of his Life as by the said Peticon among other things doth and may appear, wherefore and in Consideration of the said Andrew Law Jun'r's present Circumstances and that above one hundred of the principal Inhabitants of the said East Ward have recommened his Case to the Compassion of the General Assembly, the General Assembly pray that it may be Enacted, AND be it Enacted by his Honour the President the Council and General Assembly of the said Colony, and tis is hereby Enacted by the Authority of the same That in Case the said Andrew Law Jun'r and Mary his wife shall within twenty days after the publication of this Act Surrender and deliver up all his And their Estate real and Personal whatsoever into the hands of David Van Brugh, to and for the use of the East Ward of the City of New York And that upon such surrendering and Delivering up of the their said Estate, he the said Andrew and Mary his wife doe before the Mayor Recorder or any one Aldermen of the City of New York take their oaths respectively on the holy Evangelist in the words or to the Effect particularly mentioned and Expressed in an Act Entituled an Act for the releife of Insolvent Debtors within the Colony of New York with respect to the Imprisonment of their Persons passed in the fourth year of his Majestys Reign, That then and thereupon he the Said Andrew Law Jun'r shall be and hereby is from thence forth Released and Discharged from his Imprisonment and Confinement aforesaid at the suite of the said Treasurer and of and from all Claimes and Demands whatsoever of the Inhabitants or Freeholders of the said East ward or any of them or of any other

person or persons whatsoever for or by reason of the said taxes by him received from the Inhabitants or Freeholders of the said East ward and the Treasurer of this Colony is hereby required that upon a Certificate to him from the said David Van Brugh of his the said Andrew Law Jun'r and Mary his wife haveing made such oath and So delivered up their Estate in Manner as aforesaid to cause the prosecution above mentioned to Cease and the said Law to be discharged therefrom Accordingly, Always Excepted & BE it further Enacted by the Authority aforesaid, That it shall and may be Lawfull to and for the said Andrew and his wife to retaine and reserve to and for their use out of the Estate to be Surrendered in the manner before mentioned in Household Goods and wearring apparel to the value of a sune not Exceeding the sune of Twenty Pounds Currant mony of the Colony of New York, and the above mentioned oath is in that respect to be altered Accordingly

BE it further Enacted by the Authority aforesaid that the above named David Van Brugh shall have and hereby is Vested with all and Singular the powers and Authoritys to make sale of the Estate so to be surrendered unto him at Publick Sale or Vandue in the speediest Manner and to the best advantage and so Likewise to Colect and Gather in all such Debts as may upon such surrender be assigned unto him by the said Andrew Law

BE it allso Enacted by the same Authority that the above named David Van Brugh shall be and hereby if fully Impowered and Authorized to Demand Receive and Collect of and from every Freeholder Inhabitant and sojourner of or in the said ward or that Lived within the same at the time the said Several Assessments were made all such sune & sumes of mony as in and by the said several tax Roles or any of them doe or may appear not to have bin paid unto the said Andrew Law, and if any dispute shall or may arise concerning the payment thereof, and that the party can produce no Receipt for the same, it shall and may be Law for the above named David Van Brugh to allow such Articles to be discharged of which such Party or partys shall before the mayor or any one Alderman of the said City swear on the Holy Evangelist That they have actually payd the same to the said Andrew Law. But all such person and persons as shall appear by the said tax Rolls not to have made such payment & do not produce such receipt or refuse to take such oath thereof as aforesaid, shall still be subject and Liable to pay the same unto

the said David Van Brugh And for that purpose the said David Van Brugh shall and hereby is Vested with all and Singular the Powers and Authorities which have been and were given unto the said Andrew Law by all or any of the warrants Given unto him by the Mayor and Aldermen of the said City for the time being in persuance of the several Acts of the General Assembly passed in the respective years beforementioned, And for that end the said several warrants and the tax Rolls thereunto annexed shall be delivered unto the Said David Van Brugh

Be it farther Enacted by the Authority aforesaid that the above named David Van Brugh shall pay into the Treasurer of this Colony within six months after the Publication of this Act all the net produce of the Estate hereby ordered to be surrendered to him as Likewise all the sume & sumes of mony he shall receive or recover by means of the several tax rolls above mentioned with a perticular Account how much he shall receive on each tax respectively, and allso a perticular Account how much the said surrendered Estate shall have produced and rendered and it shall and may be Lawfull to and for the said David Van Brugh, to retaine in his hands the sum of nine pence in the pound on what he shall pay unto the said Treasurer by Virtue of this Act. And he the said David Van Brugh is hereby required to Lay such Acco'ts as are above Directed before the General Assembly within ten days after their meeting the next Session

And for as much as it cannot at present be Exactly knowne what Difficiencies may be In the Eastward of the several taxes before mentioned And to the End the Publick may not be defeated of the mony raised by Virtue of the several Acts beforementioned; Be it Enacted by the Authority aforesaid That when the above mentioned accounts are Layd before the next Session of Assembly, an Act be prepared and brought in for the Assessing & Effectual Collecting of such difficiencies in the said Eastward as the same was Circumscribed at the time the said several taxes were so raised and assessed as aforesaid either in one or more assessments as it shall then be Conceived most for the Estate & Conveniency of the Freeholders Inhabitants and sojourners of the said ward

And be it further Enacted by the Authority aforesaid, that this Act shall be deemed And Esteemed a Publick Act and allowed and admitted as Such in all Courts of RECORD and by all officers within this Colony

[CHAPTER 571.]

[Chapter 571, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 386.]

An Act to Impower Samuel Baker and others to Imploy Propper Persons for the service of this Colony at the Court or in the Parliament of Great Britain.

[Passed, September 30, 1731.]

WHEREAS the Planters of Some or one of the British Sugar Colonies tho in the name of all the Rest did by themselves their Factors Agents and Solisitors preferr a Bill in the Hounorable the House of Commons at their Last Session, Entituled An Act for the better Securing and Encouraging the Trade of his Majesty Sugar Colonys in America and by Misrepresentations and specious but Groundless Suggestions Carried the Same to a greater Length than it was Imagined the Nature of the thing could have admitted, In as much as the Effects thereof if it had Passed into a Law would have been of the Utmost Prejudice to all his Majesties Colonies on the Continent of America more per-ticularly to this Since the Same would have Deprived it of the means to Vent their owne Large Produce, Crampt Diminished its Trade and Navigation and Layn it under unreasonable Difficulties and hardships.

And whereas in Consequence of Such a Law the Merchants Farmers Tradesmen and other Inhabitants within this Colony, would so far have been unable Topurchase Such Vast Quantities of the British Manufactures as they already annaly Do that in Stead of Encresing Such Consumtion they Would Scarce have been able to purchase so much of the Woolen Manufacture alone as is absolutely Requisite to Defend the Said Inhabitants against the Extreem Cold of our Long Winters, and Even the Demand of this Single Article must then Gradiauly have Lessened and the people of this Colony put under an Unavoidable Necessity of Living in a great Measure Within themselves, and if it be Considered of ye one hand to what a Low Price the Country Produce for Several Years past has been and still is Reduced and of the other that without the Silver Gold Cacco Indigo Cotton wool Dying

wood and all the other Commodities sutible for the English Market which we now procure from the foraign Colonies in Returne or Exchange for the Produce of this Country Vonted that way it must very plainly appear that if such a Bill passed into a Law this Colony would be unable to purchase and Pay for half the Quantity of the woollen manufacture it now Consumes, For tho the Sending of Provisions to those Colonys was not Expresly Inhibited it must have proved so in Fact if their Product might not be brought back in Exchange Since the Merchants find their accountes more on the returns from those Places then by the Price which they Generally obtaine for the Provisions Sent thither,

And whereas the aforesaid attempt of the Sugar Colonys was begunn and Carried on before this Colony had any Notice of it and that at the Same time Peter Scheup Esq'r who had many years been Agent for this Colony at the Court of Great Britain and was again appointed as such for the Currant Year did upon a mistaken Notion as if Such a Law would not much affect this Colony because the Exporting Provisions to the Foraign Colonys was not Prayed to be Supressed undertake to be Agent for the Island of Barbardos in this Important affair and has Sence Declined to Serve this Colony in that Quality any Longer By which means no manner of opposition would have been made on the Part of this Colony upon that Occasion if the Merchants in London Trading to it being Sencible how Destructive a Law of that Kind must have proved to the said Colony had not had the Goodness to appear in its behalfe against that unreasonable attempt,

And whereas it is Credibly affirmed that the Said planters of the Sugar Colonys have been the onely Promoters and Carryers on of the unnatural Project before mentioned and that they are very plentifully prepared and fully Determined to Duple their Efforts at the next Sessions of Parliament and to spare no Cost out of their affluence to Obtain their End and Since the Success thereof would Inevitably tend to the Great Impoverishment if not the Ruine of this Colony it behoves the Legislature thereof to opose so Fatal a Design by all the Legal ways and means their Poor Circumstances wil alow Conceiving that the Justice of their Cause will have Such weight with our Gracious Sovereign and his Parliament as Not to Gratify the opulent Planters of the Sugar Islands by the Opression and Ruine of so Vast a Number of

Industrious People in the Notheren British Colonies Especialy Since the Same would Senciably affect the Navigation of Great Britain and the Consumption of its Manufactures

Be it therefore Enacted by his Honour the President the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that Samuel Baker George Stradfield Samuel Stork Richard Janeway Joseph Low and Rodrigo Pecheco Merchants in London shall be and hereby are Requested, Authorized and fully Impowered in the first place to Present an humble Representation from the Said President Council and Assembly unto his Sacred Majesty Imploring his Gracious Protection against the monopoly aimed at by the Sugar Colonys and in the next to Imploy such Solissitor or Solissitors and such other Person or Persons as they or the Major Part of them shall Judge meet fit and proper to attend on his Said Majesty and his Ministers of State in behalfe and for the Service of this Colony in General and more perticularly in the Oposition of the Said monopoly if it Should again be attempted and in Such Case to Cause all proper and Diligent Solisitations and applications to be maid against it Either in the Honorable the House of Commons or before the Lords Speritual and Temporal in Perliament Assembled or where ever else they may find or Judge it Expedient to make Such Defence and application In order to ward off the Great Mischieif which such a Bill as aforsaid if passed into a Law would bring upon this numerous and Loyal Colony,

And to Enable the Gentlemen above named to Defray the Expençe which will Necessarily attend Such Defence and Solisitation, Be it further Enacted by ye Authority aforesaid that the Treasurer of this Colony Shall out of the mony arisen by Virtue of an Act Entituled an Act to Repeal some parts and to Continue and Enforce other Parts of the Act therein mentioned and for Granting Several Duties to his Majesty for suporting his Government in the Colony of New York from the first day Steptem'r one thousand Seven hundred and Twenty Eight until the first Day of September which will be in the Year one thousand Seven hundred and thirty three passed in the second Year of his Majestys Reign Purchase and procure in the Spediest manner possible in one or more Sets of Good Bills of Exchange the full sum of Two hundred and fifty pounds Sterling and to Cause the Same to be maid payable unto the said Mr Samuel Baker and

Company or order for the Service of this Colony one of Each Set of Such Bills the said Treasurer is to Keep as a Voucher and shall be a good and sufficient Discharge to him on account of the Said Act for so much as the Cost of Such Bill or Bills will amount to here and two other of Each of the Said Bills he is to Deliver to the present Speaker of the General Assembly and Mr Stephen DeLancey who are hereby Requested and Required to transmit the same together with the before mentioned representation to the before Named Mr Samuel Beker

Be it also Enacted by the same Authority That it Shall and may be Lawfull to and for the Gentlemen above named or the major part of them to Imploy Pay and Discharge out of the money so to be Remitted as aforesaid all such sum & Sumes of mony as they or the major Part of them shall from time to time Judge and think fit Requisite and Reasonable in and about the Defence and Solisitations beforementioned, and of such Expence they or the said Mr Baker is Desired to Render accounts to the Speaker of the said Assembly for the time being and to the above named Mr De Lancey

Be it further Enacted by the Same Authority that if the money to be Remitted in the manner above mentioned shall happen not to be wholly Expended and Layd out in and about the Defence and Solisitations aforesaid, all the overplus thereof shall Remaine in the hands of the Said Mr Samuel Baker and be Disposed of by him in such manner as by Act or Acts of General Assembly hereafter to be passed for that purpose shall be ordered and Directed,

And altho it be allowed that Nothing can be of Greater Service to this Colony then to Defeat the Restrictions Intended to be laid on it by the west India Planters Be it never the Less Enacted by the Authority aforesaid that if any Diffisiency shall or may happen in the Suport of his Majestys Government By the Fonds and According to the Intent of the Act hereinbeforementioned on or at any time before the first day of September which will be in the Year one Thousand Seven hundred and thirty three the mony hereby ordered to be Remitted in manner and for the service aforesaid or such part thereof as may so Prove Difficient shall be Supplied and made Good again by Such ways and means as (in Such Case) shall be provided by an Act of the General Assembly hereafter to be passed for that purpose,

THE TWENTIETH ASSEMBLY.

Fifth Session.

(Begun August 10, 1732, 6 George II, Wm. Cosby, Governor.)

[CHAPTER 572.]

[Chapter 572, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 402. See chapter 564. Continued by chapter 597.]

An Act for the further Continuing an Act, Entituled an Act to Let to Farm the Excise of Strong Liquors retailed in this Colony for the time there in mentioned, and for Declaring Shrub liable to the Same Dutys as distilled Liquors

[Passed, October 14, 1732.]

WHEREAS an Act of General Assembly of this Colony passed in the second year of his Majestys Reign, Entituled an Act to let to Farm the Excise of strong Liquors retailed in this Colony for the time therein mentioned, and for Declaring Shrub Liable to the Same Dutys as distilled Liquors, being of force no longer then untill the first day of November, in the year one thousand seven hundred and Twenty nine was by Subsequent Acts, Continued, to be of force untill the first day of November next Ensuing and it being necessary ye Same should be further Continued in order to let the said Excise to the best advantage.

BE it Enacted by his Excellency the Governour Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, that the above mentioned Act Entituled an Act, to Let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein Mentioned, and for Declaring Shrub Liable to the Same Dutys, as distilled Liqours, shall be and hereby is further Continued, and every Clause, article, and thing therein Contained from the first day of November next Ensueing, untill the first day of November which will be in the year of our Lord one thousand seven hundred and thirty three.

AND be it further Enacted by the Authority aforesaid that Abraham Herring Esq'r, shall be and hereby is appointed one of the Commissioners to let to Farm the Excise of strong Liquors in the County of orange, in the room and Stead of Albert Minne, and David Corey Esq'r the Commissioner for the County of

Suffolk, in the room and stead of Selah Strong Esq'r Deced, and that they and the other Commissioners mentioned in the above said Act shall & hereby are respectively Impowered and required to Let to Farm the said Excise, in the several Places for which they are appointed, on any Day in the Month of October Next Ensuing, not Exceeding the Twenty Ninth Day thereof

[CHAPTER 573.]

[Chapter 573, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 344. See chapter 563. Continued by chapter 598.]

An Act for the further Continuance of an Act Entituled an Act for Settling & regulating the Militia in this Province and making the same Usefull for the security and Defence thereof, and for repealing all other Acts relating to the Same, During the time therein mentioned

[Passed, October 14, 1732.]

WHEREAS, an Act Entituled an Act for settling and regulating the Militia of this Province and making the same usefull for the security, and Defence thereof, and for repealing all other Acts relating to the same During the time therein mentioned passed in the Tenth Year of his Late Majestys Reign, being Expired by its own Limitation was by an other Act passed in the second Year of his present Majestys Reign revived and Continued to be of force for the terme of two Years and by an other Act passed in the fourth year of his said Majestys Reign further revived and Continued to the first Day of October then next Ensuing, and by one other Act passed in the fifth year of his Said Majestys Reign, was further revived and Continued to be of force untill the first day of November in this Present Year and for as much as it is highly Necessary to have the Militia of this Colony under Proper regulations BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled an Act for Settling and regulating the Militia, of this Province and making, the Same usefull for the Security and Defence thereof, and for repealing all other Acts relating to the same During the time therein mentioned, as likewise the aforesaid Act passed in the fourth

year of his said Majestys reign Entituled, an Act to Revive and Enforce, an Act Entituled an Act for settling and regulating the Militia in this Province, and making the same usefull for the Security and Defence, thereof and for repealing all other Acts relating to the Same, During the time therein Mentioned, and also the aforesaid Act passed in the fifth year of his said Majestys Reign Entituled an Act for the further Continuance of an Act Entituled an Act for Settling and regulating the Militia in this Province, and making the same usefull for the Security and Defence thereof and for repealing all other Acts relating to the Same During the time therein Mentioned, shall be and hereby are Enacted to be further Continued and every Clause article and thing therein Contained to Remain of full Force and Virtue, to all intents Constructions and Purposes whatsoever from the said first Day of November next Ensuing untill the first Day of December, which will be in the year of our Lord one thousand Seven hundred and thirty three and no Longer

[CHAPTER 574.]

[Chapter 574, of Livingston & Smith and Van Schaack where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 345. Continued by chapter 682.]

An Act to prevent the Destruction of Sheep by Dogs

[Passed, October 14, 1732.]

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that if any Dogg or Doggs shall after the Publication of this Act and during its Continuance, Kill or Destroy, any sheep or Lamb within this Colony, the owner or owners of Such Dog or dogs, which shall Kill or destroy any sheep or Lambs, within the same shall be liable to pay to the owner or owners of such sheep or Lamb so destroyed, the full Value thereof, to be recovered before any one of his Majesties Justice of the Peace where such offence shall be Committed, upon the oath or affirmation of one Credible wittness, at the discretion of the Justice before whom the Cause shall be tryed (who is hereby fully impowered Authorized and required to hear and finally to Determine the same) & upon non payment thereof within three days after Judgment, shall be given to Issue his warrant to the next Constable to distrain on the offenders goods and Chattles, so much as may be Sufficient to discharge the said Judgment with The Charges arrising thereby, and the same to

Sell at Publick Vendue, returning the overplus (if any be) to the owner thereof, and if there be no goods, whereon to make distress then to committe the owner or owners of Such Dog or Doggs who shall so Kill or distroy, sheep or Lambs as aforesaid to the Common Gaol, and there to remain ten days without bail or mainprize, unless he or She sooner pay or Satisfy the Judgment with the Cost as abovesaid

Be it further Enacted by the Authority aforesaid, that during the Continuance of this Act it shall and may be Lawfull for any person or Persons whatever within this Colony, who shall see any Dog or Doggs runing after or Chasing any Sheep or Lambs to Kill and Distroy such Dog or Dogs, and if such Person or Persons, should be distitute of any weapon, wherewith to destroy or Kill such Dog or Dogs, he shall give notice of Such Chasing to the Owner or owners of Such dog, or Dogs; and if such owner or owners do not upon such notice Imediately Kill and Distroy them, he she, or they so owning such dog or dogs, shall forfeit the sum of six shillings to be recovered with Costs before any Justice of the Peace in Such County, where the Person or Persons owning such dog or Dogs shall dwell or reside, to the Sole Benefit of him or them that shall Sue for the Same

PROVIDED always, and be it further Enacted, that nothing herein Contained, shall debarr any shepherd from Keeping one or more dogs to drive or turn sheep under his care nor any other Person from making use of his dog or dogs to drive sheep always provided such dog or dogs do not hurt any Sheep or Lambs this Act to be and remain of force from the Publication thereof untill the first Day of Decemb'r which will be in the year one thousand Seven hundred and thirty nine

[CHAPTER 575.]

[Chapter 575, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., second p. 345. Continued and amended by chapters 686 and 795.]

An Act for the better Clearing, regulating and further Laying out Publick Highways in the County of Suffolke

[Passed, October 14, 1732.]

ALTHO all or most of the Highways or Common Roads are already laid out and ascertained in the said County, it may nevertheless be necessary to Lay out other Publick highways

or Roads in the said county, for the Conveniency of Carriage and Travellers

BE it therefore Enacted by his Excellency the Governour the Council & General Assembly, & it is hereby Enacted by the Authority of the same, That from & after the Publication and During the Continuance of this Act the Persons herein after named shall be and hereby are appointed Commissioners to regulate the Highways or Roads, & to Lay out Such other publick Roads as may Still be necessary within the said County, and they and each of them are hereby fully Authorized and Impowered, to put in Execution the several Services intended by this Act, in Such Towns & Places only for which they shall be respectively named and appointed, that is to Say, For the TownShip of South Hampton Theophilus Howell Esq'r, Mr John Post, & Mr Christopher Foster, For the TowneShip OF East Hampton Capt Cornelius Conkling, Capt Mathias Burnet & Thomas Chatfield Esqr; for the Township of South hold Nathaniel Warner Esqr Mr. Samuel Landon & Mr. Daniel Tuthill, for the Township of Brook Haven Richard Floyd Esqr, Mr. Samuel Tomson and Mr. Richard Woodhull, for the Township of Smith Town Jonathan Smith Esqr Edmand Smith Esqr & Mr. Obadiah Smith, for the Township of Huntington, John Wickes, Esqr Alexander Bryan Esqr and Mr. Philip Ketcham, and for the Precinct of Islip George Philipse Esqr Mr. Richard Willits and Mr Ananias Rarle.

And Be it Enacted by the Authority aforesaid that the Commissioners or the Major part of them in the respective places for which they are named, and appointed Commissioners, are hereby Impowered & Authorized to take a revieué of the Roads already laid out & Such of them as appear to be really Inconvenient the Commissioners or any two of them shall or may alter the same, and Lay out such other Publick ways or Roads as they shall think most Convenient as well for Travellers as for the Inhabitants of every respective Town & the next adjacent Town & Village provided that nothing in this Act Contained shall extend or be Construed to Impower the Commissioners aforesaid to alter any Roads that are already Commodious nor to Lay out any Roads or ways through or on any perticular Person or Persons Lands without either the Consent of the owner or owners thereof or paying to him her or them the true Value of the Land So Laid out into an highway or Road together with the Damages he she or they shall or may Sustain by Such Highway or Road runing or being laid out thro or on his her or their Land,

and if any dispute shall arise by that means the same shall be determined, and the true Value of Such land and Damages, as aforesaid, set & appraised by two Justices of the Peace of the said County and by the oaths of Twelve of the Principal Freeholders of the Towne where such dispute shall happen not having any Interest in the Land, about which such disputes may arise, the said Freeholders, to be Summoned, by the Constable of the Town or Precinct, where Such disputes shall arise by Virtue of a warrant to be Issued by the said two Justices, for that purpose and the Person or Persons, as shall desire a Road throw or on any particular Persons Land shall defray the whole Charges of the Value of the said Land and Damages to be paid to the Person or Persons Injured & throw or on whose Lands Such Roads shall be Laid, together with the wages of the Commissioners Charges for Calling the Jury, and of their Verdict and of the whole proceedings thereon had, & such way or Road to be for the only proper use of such Person or Persons or to his or their Heirs and assigns as paid for the same and the Person purchasing a way as above said is to Repair the same at his own Cost.

And be it further Enacted by the Authority aforesaid that if any Person or Persons within the said County do or hereafter shall alter stop up or Lessen any Highway or Road that has bin heretofore Laid out, by former Commissioners according to Law or shall hereafter be laid out by the Commissioners named in this Act Such Person so offending Contrary to the meaning of this Act for every Such offence Shall forfeit the sum of forty shillings to be recovered before any one Justice of the Peace of the said County upon the oath of one Credible witness and Levied by warrant from said Justice of the Peace directed to the Constable of the Town or place where such offence is Committed by distraining the Goods and Chattles of the offender & the said Constable after Six days publick notice is given by him of the Selling the said distress shall make sale thereof and out of the produce pay the said forfeiture and Charges, & return the overplush if any there be to the Owner or owners thereof which said forfeiture of forty Shillings shall be apply'd by the surveyors of the Highways for and towards repairing the Publick Roads or Highways within the Town or Precinct where Such forfeiture shall arise.

AND be it further Enacted by the Authority aforesaid that if any Road or way shall be Laid out through any perticular Per-

sons Land or meadow, it shall not Exceed the breadth of Twenty foot

AND be it further Enacted by the same Authority that the Inhabitants of the Town & Precinct by and Throw whose Land any Common Roads or high ways, have or Shall run or be hereafter ascertained or Laid out are hereby obliged to Clear and maintain the same by Cutting & Stubing the brush pulling up the stones that Can be carried off the breadth of a Rod, and the Limbs of Trees hanging over the said Roads to be Lopt, and Carried off & so often as they shall have notice from the respective Commissioners or overseers of the High ways for the time being shall by them Selves or Servants Clear level and amend the Highways not exceeding Six days, in the Year, under the penalty of three Shillings for each day every Person shall neglect or refuse such service to be Levied by the Constable in Each Town or Precinct by distress and Sale of the offenders Goods & Chattles by warrant from the Commissioners or overseers of the Highways for the time being in every Town and Precinct, in the said County or the major part of them respectively returning the overplush to the owner or owners the Charges being first paid as is Common in other Cases

AND be it allso Enacted by the same Authority, that where any High way from any Town or Plantation to any Meadows Mills watering or Common Landing Places shall run through any perticular Persons Ground it shall & may be Lawfull for Such Person or Persons by the approbation of the Commissioners of Such Town, to place and hang good Swinging Gates on Such Highways & Keep them in good repair at their own proper Cost and Charge, provided no roads leading into or out of any woods plains or Commons where the Kattel belonging to any Town or Village usually pass to and from the Commons or feeding Ground be Clogged or hindred by any swinging Gates, as aforesaid but by the Consent of the Inhabitants of the said Town or Village or the major part of them, and the several Gates already standing and allowed May or shall be approved and Continued or altered as the Commissioners herein appointed shall Judge most Convenient

AND be it further Enacted by the same Authority, that if the overseers of the Roads or Highways shall think fitt and have occasion of any Team Cart or plow and a man to manage the same, the said Team with Cart or Plow shall be Esteemed, to be for, and in Lieu of two days work of a Single man and the fine

to be propoſionable that is double to the fine to be Impoſed for the neglect of a Single Perſon, & every working man ſhall be obliged to bring ſuch materials, as ſpades axes and other utenſiles as ſhall be directed by the ſurveyors or overſeers of the Highways

And be it further Enacted by the ſaid Authority, that if any of the Commiſſioners herein appointed ſhall neglect reſuſe or delay to put the ſeveral Clauſes in Execution which are mentioned, and Expreſſed as their duty in this Act, or ſhall happen to dye, or Remove out of ye Town, or Precinct for which he or they are appointed Commiſſioners, it ſhall & may be Lawfull for the Juſtices of the Peace in the ſaid County or two of them, one of which Being an Inhabitant of the Town where ſuch neglect or reſuſall as abovesaid ſhall ſo happen to appoint in his or their ſteed, other Commiſſioner or Commiſſioners in Such place or places, where ſuch reſuſal neglect death or removal ſhall ſo happen and the Commiſſioner or Commiſſioners ſo appointed ſhall be under the ſame reſtrictions and have the ſame power, and Authorityes as thoſe named & appointed by this Act

And be it further Enacted by the Authority afoſeaid that the Commiſſioners of each reſpective Town in ſaid County for which they are reſpectively appointed ſhall from, time to time during the Continuance of this Act enter in writing all the Highways or Roads, by them laid out altered or ſtopt up, and ſign the ſame by puting their names thereto & Cauſe the ſame, to be entered in their Town booke by the Clerk of each reſpective Town or Precinct, who is hereby to enter the ſame and whatſoever the ſaid Commiſſioners ſhall do according to the powers given them in this Act being ſo entered in the Town book ſhall be valid & good to all Intents and purpoſes whatſoever

And be it further Enacted by the ſame Authority that the Commiſſioners or overſeers of the Highways ſhall warn, and ſet TO work all the Inhabitants of the reſpective Towns and Precincts from Sixteen to Sixty years old, as well Slaves as Freemen, at leaſt, two days in every year during the Continuance of this Act, to mend the Highways which by Law they are obliged to repair,

And be it further Enacted by the Authority afoſeaid, that each Commiſſioner appointed or to be appointed by this Act ſhall have and receive the ſum of three ſhillings for every day, he is actually Imployd in Laying out the High ways or Roads

in the respective Towns and Precincts, for which they are severally appointed to be paid by each respective Town, and Precinct, in the same way & manner as their other necessary Charges are paid except, where the Commissioners, are paid by any particular Person or Persons as before expressed This Act to Continue in force from the Publication thereof untill the first day of December, which will be in the Year of our Lord one thousand Seven hundred & thirty nine.

[CHAPTER 576.]

[Chapter 576, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 403. See chapter 549. Expired December 1, 1734. Provided for by chapter 801.]

An Act for reviving an Act Entituled an Act for the better Clearing, regulating and further Laying out Publick High Roads in the County of West Chester

[Passed, October 14, 1732.]

WHEREAS an Act Entituled, an Act for the Better Clearing, regulating and further Laying out Publick High Roads in the County of West Chester passed in the second Year of his present Majesties Reign, being Expired by its own Limitation was revived by an Act passed in the fourth year of his Said Majestys Reign, which being also Expired, and the same having been found greatly to Contribute towards the making and Maintaining goods Roads in the said County

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same that the Above mentioned Acts, and every Clause article, and thing therein Contained, shall be and hereby are Enacted to be revived, and remain of Force from the Publication hereof untill the first Day of December which will be in the Year one thousand Seven hundred, and thirty four and no Longer.

AND Be it further Enacted by the same Authority, That Capt Frederick Van Cortland shall and hereby is Declared and appointed a Commissioner for the Manner of Philipsburgh in the Room and Stead of Noah Barton Esq. who is removed out of the said County, & Capt John Drake for the Township of East Chester in Stead of Capt Joseph Drake, Deceased.

[CHAPTER 577.]

[Chapter 577, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 348. See chapter 534. Continued by chapter 632.]

An Act for Continueing an Act Entituled an Act for the better Cleareing Regulateing and further laying out publick high Roads in the County of Ulster.

[Passed, October 14, 1732.]

WHEREAS an Act of the Generall Assembly of this Colony passed in the Third yeare of his present Majesties Reigne Entituled an Act for the better Cleareing Regulateing and further laying out publick high Roads in the County of Ulster will Expire by its own Limitation at the End of this present Session of Generall Assembly BE IT ENACTED by his Excellency the Governour Councill and Generall Assembly And It is hereby Enacted by the Authority of the Same That the above mentioned Act Entituled An Act for the better Cleareing Regulateing and further laying out Publick high roads in the County of Ulster Shall be and is hereby Continued, And every Clause Article and thing therein Contained (Excepting only as Concerneing such Alterations therein as hereinafter is mentioned)

AND WHEREAS the Proprietors of Sundry Tracts of Land lyeing Contiguous Betweene Shawangunck and Hudsons River By a Certaine Instrument in Writeing under their hands and Seales bearing date the Twenty ffourth day of November in the Yeare of our Lord One Thousand Seaven hundred and Twenty ffor the better Encouragement of Settleing and Improving their said Tracts of Land (being then a Wild unsettled Country) Did mutually Agree that there should be laid out Cleared and made One publick Common highway Extending from Shawangunck Over the Palts Kill and soe along their said Severall Tracts of Land to Hudsons River As neare as Conveniently might be to the house of Burgher Meyndertse upon hudsons River, And although the aforesaid Proprietors at very great Charges and Expenses Amongst them have Caused great part of that Intended Road to be Cleared and laid out And have hitherto Repaired and Amended the Same, which hath Considerably promoted the Settlement of the said Country. But inasmuch as the Said Intended Road hath not yet beene Effectually laid out Completed and made a Publick highway.

BE IT ENACTED By His Excellency the Governour Council and Generall Assembly And It is hereby Enacted by the Authority of the Same That there shall be laid out and Ascertained, by the Commissioners Appointed for that purpose One Common Publick highway Extending from Shawangunck over the Palts Creek to a Certaine Noted place or fford Distinguished by the Pine Tree Standing upon the Bank of the Palts Creek on the Land of Rip Van Dam Esq'r and Company And from thence along that Tract on the East side of the Palts Kill by the house of Henry Wilemans, and from thence Easterly along the Road as it hath beene Cleared out as aforesaid to the South East side of a Certaine place Called the Great Swamp, And from thence to Strike and Run through the Tract of Land heretofore of Allexander Baird Eastward in as Convenient and Direct a Course as the Scittuation of the Land there will Admitt On the North side of Snake hill over Quassick Creek to the Kings highway lately laid out by the house late of Burgher Meyndertse Deceased neare the Banck of hudsons River.

AND BE IT ENACTED by the Authority aforesaid That from and after the publication of this Act and dureing the Continuance of the Same, Mr. Henry Wileman John Haskell and Charles Clinton are hereby Added to ffransis Harrison Esq'r and Thomas Ellison former Commissioners for the precinct of the high Lands, Which said Commissioners or any Three of them have full power and Authority for the Laying out Ordering and Ascertaineing the abovementioned Road and all other highways and every thing relateing thereto within the said precinct.

AND BE IT FURTHER ENACTED by the authority aforesaid That there shall also be laid out and Ascertained by the Commissioners Appointed for that purpose for the precinct of Shawangunck and the Palts Kill otherwise Called the Wall Kill One other publick Common highway Extending from the before mentioned highway on the East side of the Palts Kill neare the house of Mr. Wileman along that Tract by his Mill and soe along through the severall Tracts of Land of Mr Alexander Mr Lithgow and Mr Smith upon as direct a Course as the Ground will Conveniently Admitt by the Meeting house now about Erecting neare the Settlement of Adam Graham And soe along the Tract of Land heretofore Granted to Thomas Noxon by the house of Samuel Neely Through the East side of the Tract of Land of John Heywood on as Straight a Line as the Conveniency of the Land will Admitt neare the Great Meadow lyeing to the South-

ward of John heywoods house and soe keeping along the East side of that Great Meadow untill it Meet the Road laid out by the Inhabitants of Goshen to the South Line of the said County of Ulster parting the Counties of Ulster and Orange neare the house of Caleb Knap.

AND the aforesaid Commissioners of the aforesaid Severall precincts of the high Lands and of Shawangunck and the Palts Kill and each of them are hereby fully Authorized and Impowered to putt in Execution the Severall Services Intended by this Act the said former Act in the said respective precincts only for which they are Nominated and Appointed Commissioners as aforesaid according to the true Intent and meaning of this as well as the said former Act,

AND WHEREAS some dispute having Arose about the Repaireing that part of the Kings Road that Runs from the Southermost Bounds of the New Palts To the house of Joseph Hasbrook Deceased by reason of which Disputes the Road has not beene Repaired for many yeares To the great Damage of the severall persons who have beene Obliged to pass and Repass the Same BE IT THEREFORE ENACTED By the Authority aforesaid That the Inhabitants of the New Palts shall Joyne with the Neighbourhood of Nethosack who are hereby Obliged to Repaire the said Road and keep it in good Repaire dureing the Continuance of this Act

AND BE it FURTHER ENACTED by the Authority aforesaid That Cornelius Dupuy shall be and is hereby Appointed a Commissioner for the Town of Marble Town in the Room of Thomas Cock who is Removed out of the County.

PROVIDED alwayes that nothing in the aforesaid Act or in this Act Contained shall Extend or be Construed to Impower the Commissioners aforesaid to Alter or Stop any highway or Road that has beene laid out by the Commissioners heretofore Appointed by the said former Act Except that part of the Road that leads from Burgher Meyendertse to the Murderers Creek. But all Such Roads soe haveing beene laid out by them are herey Ratified and Confirmed to all Intents and purposes whatsoever Any thing herein Contained to the Contrary thereof in any wise Notwithstanding

This Act to Continue and be of fforce from and after the publication hereof untill the ffirst day of December which will be in the Yeare One Thousand Seaven hundred and Thirty ffive and noe Longer

[CHAPTER 578.]

[Chapter 578, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 350. Revived and extended by chapter 643.]

An Act for the Speedy Punishing and releasing such Persons from Imprisonment as shall commit any criminal offences, under the Degree of grand Larceny in the several Counties therein mentioned,

[Passed, October 14, 1732.]

WHEREAS not only several disorderly Persons Inhabitants, in West Chester County Queens County Kings County Richmond County Orange County Ulster County and Dutchess County, but many Vagrant Persons passing through the Same from the Neighbouring Colonys, have often comitted divers Misdemeanours breaches of the Peace and other Criminal offences under the degree of grand Larceny who not being able to procure baile to appear at the General Sessions of the Peace, then next to be held for such of the said Countys where such offences are committed, and having no Substance of their own have been a great Expence to such, of the said respective Countys where Such offenders were Committed in maintaining them (sometimes four or five months) in Gaol until the then next General Sessions of the Peace, whilst at the same time their long Imprisonment hath been a great Damage to their Familys who wanted their Labour to suport Them and after all that Expence have often found means to breake Goal thereby not only putting those Countys to consederable Charges in repairing the same, and after all often found means to Escape their deserved punishment therefore for the Ease of such of the said Countys where such Inconveniencys may happen and for the benefit of the Familys of such Persons as shall Committ any of the aforesaid offences as also to prevent such offender or offenders Escaping his her or their Just punishment for the future.

BE it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the same that if any Person or Persons shall commit any misdemenour breach of the Peace or other criminal

offence, under the degree of Grand Larceny in the before mentioned Countys or any of them, and being taken & Committed for the same to the common Gaol, or to the custody of the Constable of the Town, manour or Precinct in Such of the said Countys, where such offender or offenders shall be taken, and being kept in the said Goal or in the custody of such Constable as aforesaid the full space of forty eight hours from and after such commitment SHALL not give good and Sufficient bail for his her or their appearance at the then next General Sessions of the Peace to be held for such of the said Countys where Such offender is in Custody, then and there to answer the offence or offences he She or they shall be Charged with then and In such case, it shall and may be Lawfull to and for the Justice of the Peace who committed such offender or offenders, with the assistance of two other Justices of the Peace of such County to whome he shall Certifie the Cause of such commitment and require them by Virtue of this Act to associate themselves to him which the said Justices are hereby required to do provided always that one of the three Justices shall be of the Quorum & the said Justices being so met are hereby Authorized to hear and Determine forthwith the offence or offences committed by the said offender or offenders as abovesaid and the said offender or offenders being Convicted by Confession or by the oath of one or more credible witnesses the said Justices or two of them agreeing are hereby further Authorised to give Judgment against the said offender or offenders so convicted as aforesaid to have such corporal punishment (not extending to Life or Limb) as they in their discretion shall think proper and By their warrant directed to the Constable of the Town mannor or Precinct where they hear and Determine the said offence or offences shall cause their said Judgment or Judgments to be put in Execution, and after such offender or offenders shall have received, his her or their punishment, being an Inhabitant or Inhabitants of such County shall be Immediately discharged without paying any fees but being not an Inhabitant or Inhabitants of the said County, he she or they shall be transported by warrant from the said Justices to the Place of his her or their last Settlement or place of abode or out of the Colony of New York which warrant the said Justices are hereby Empowered and directed to Issue.

BE it further Enacted by the Authority aforesaid that every Justice of the Peace or Constable, who shall Neglect Delay or refuse to perform the several Duties hereby Enjoyed to be

respectively Done and performed by them in and about the Trying and punishing Such offender or offenders as abovesaid shall for every such Neglect Denial or refusal forfeit the sum of five pounds to be recovered before any two Justices of the Said Countys where the same SHALL so happen to be Levyed on the Goods and Chattles of the offender by the high Sherif of the said County or his Deputy by warrant from such Justices who are hereby authorised and directed to Issue their warrants for Levying the Same and Such penalty shall be for the use of the prosecutor only

Be it further Enacted by the Authority aforesaid that the Charges of prosecuting punishing and Transporting such offender or offenders as aforesaid in the manner above mentioned shall be paid and Defray'd in and by such of the said respective County or Countyes where the same shall so happen to be don, and shall therein, be raised Levyed and payd in the same manner as other their respective County Charges are so as the whole Charges for each of such offender dos not exceed the sum of Twenty shillings.

And be it further Enacted by the Authority aforesaid that this Act Shall be Demed and Esteemed a Publick Act and allowed and admitted as such in all Courts of record and by all Justices of the Peace and all other officers in this Colony and that the same shall be of force from the Publication Hereof untill the first day of December which will be in the Year one thousand seven hundred and thirty four

[CHAPTER 579.]

[Chapter 579, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 352. See chapter 482. Continued by chapter 689.]

An Act for reviving an Act Entituled
An Act to prevent the Setting on fire or
burning the Old Grass on Hemstead Plains.

[Passed, October 14, 1732.]

BE it Enacted by his Excellency tne Governour Council and Generall Assembly and by the Authority of the same That an Act entituled an Act to prevent the setting on fire or Burning the Old Grass on Hemstead Plains made in the twelfth Year of his late Majestys Reign Expired by its own limitation shall be

and is hereby Enacted by the Authority aforesaid to be revived & of Force from the Publication hereof untill the first day of December which will be in the Year of Our Lord one thousand Seven hundred and thirty Nine

[CHAPTER 580.]

[Chapter 580, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 352. See chapter 531. Expired December 1, 1733. Provided for by chapter 618.]

An Act for reviving an Act Entituled, an Act to Prevent desertion from his Majesties forces in the Province of New York, and for providing remedies for that purpose in Cases not provided by the said act.

[Passed, October 14, 1732.]

WHEREAS, an Act Entituled an Act for reviving an Act, Entituled, an Act to prevent desertion from his Majesties forces in the Province of New York and for providing Remedies for that purpose in Cases not provided by the said Act, passed in the ninth year of his Late Majestys Reign, being Expired by its own Limitation was by an other Act passed in the third year of his Present Majestys Reign, revived which being allso Expired

BE it Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same that the above mentioned Acts shall be & hereby are further revived and Continued and every Clause article and thing therein Contained to be and remain in full force to all Intents Constructions and purposes whatsoever During the time hereinafter Limited.

Provided and be it further Enacted by the Authority aforesaid, that all such Soldiers Mentioned in the aforesaid Acts, as shall not at the time of his or their taking up goods or running in Debt, have upon him or them the Kings mounting at lest the most destinguishable part thereof, to witt a Coat or hatt, shall have no benefitt by this, or any of the aforesaid acts, any thing in this or either of them to the Contrary in any wise notwithstanding, this Act to be and remaine of force from the Publication thereof untill the first Day of December, one thousand, Seven hundred and thirty three & no Longer.

[CHAPTER 581.]

[Chapter 581, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed. See chapter 555. Continued by chapter 688.]

An Act for Continuing an Act entituled an Act for the better Clearing regulating and further Laying out Publick High ways in Kings County, Queens County, Richmond County, and Orange County.

[Passed, October 14, 1732.]

BE it Enacted by his Excellency the Governour the Council, and the General Assembly and it is hereby Enacted by the Authority of the same, That an Act, Entituled, an Act for the better Clearing, regulating, and further Laying out publick high ways in Kings County, Queens County, Richmond County, and Orange County, passed in the fourth year of his Majesties Reign being near Expired by its own Limitation, shall be and hereby is Continued and every Clause article, and thing there in Contained to be and Remaine of full Force and Virtue untill the first day of December which shall be in the year one thousand seven hundred, and thirty nine

AND be it further Enacted by the authority aforesaid that Ryck Suydam Esq'r shall be and hereby is declared, and appointed a Commissioner for the Township of Flattbush in the room and Stead of Mr. Cornelius Cornell Who is removed out of the said County, and Charles De Bovois Esq'r for the Township of Brookland in stead of Hans Bergan Deceased

[CHAPTER 582.]

[Chapter 582, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 352. See chapter 519. Expired December 1, 1736. Provided for by chapter 780.]

An Act for reviving an Act entituld an Act for the Better Clearing Regulating and further Laying out Publick High Roads in Dutches County and for altering Some of the Commissioners in the Neighbourhood of wis-sayck Called Dover

[Passed, October 14, 1732.]

BE it Enacted by his Excellency the Governour, Council and General Assembly, and it is hereby Enacted by the Authority of

the Same that an Act Entituled an Act for the better Clearing regulating and further Laying out Publick High roads in Dutches County made in the Second yeare of his present Majesties Reign Expired by Its own Limitation shalbe and hereby is revived and every Clause Article and thing there in Contained to be of Force from the Publication hereoff until the first day of December which will be in the year of our Lord one thousand Seven hundred and thirty Six Saving that John Oosterhowt and Jacob Dewitt Shalbe and hereby are Appointed Commissioners for the neighbourhood of wissayck Called Dover IN the rome and sted of Arin Roosa and Dierk De Duytzer Decesed AND they are hereby Vested with the same Powers and Authoritys which are given in the Said Act to Jacob van Campen and they or any Two of them Shall and may Lay out and Regulate the High ways in the Aforesaid Neighbourhood PROVIDED that they or none of them Shall be Entituled to any wages or Reward for the Same

[CHAPTER 583.]

[Chapter 583, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 353. Expired December 1, 1739. See chapters 890, 736 and 319.]

An Act to Encourage the Destroying of
wolves in the County of albany, ulster
County, orange County, Dutchess County and
County of West Chester.

[Passed, October 14, 1732.]

WHEREAS by an Act of the General Assembly Entituled an Act for distroying wolves within this Colony, passed in the second year of the Reign of her Late Majesty Qeen Ann, different rewards, were allowed, for the Killing of wolves & their whelps in all the several Countys in this Colony, Except in orange County & in Dutches County, which at that time were but thinly Settled

And whereas by an Act Entituled an Act for distroying wolves, and Foxes in the County of West Chester passed in the Second year of his Late Majestys Reign, a Larger reward was allowed for killing and destroying wolves and their whelps in ye said County of West Chester, than was allowed for the same in the said County by the Act abovementioned

AND WHEREAS of the other hand the rewards Established by the first mentioned Act for Killing of wolves in the County

of Albany Dutches County & orange County were afterwards reduced and alltered by two Subsequent ACTS which are Expired, by their owne Limitation.

AND whereas all the Countys hereinafternamed, doe severally Joine on each other, and for that reason the said rewards ought to be nether greater or Less in one County then an other least avaritious People should Seek & obtaine Such reward in a County where more is allowed then in the County where the wolves were actually taken and Killed, as it has some times been practised. BE it therefore Enacted by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That the herein second mentioned Act, Entituled an Act for distroying wolves and Foxes in the County of West Chester, shall be & hereby is repealed, and every Article Clause and thing therein Contained made utterly nul & Void.

BE it further Enacted by the Authority aforesaid, That from and after the Publication of this Act & during the Continuance thereof every Person whether a Christian or Slave who shall Kill or distroy a wolve or its whelp in the County of Albany, Ulster County, orange County, Dutches County or County of West Chester, shall have & receive of and from the County or Countyes where the same shall be Killed or destroyed, the rewards following, That is to Say, for every Grown wolve the sum of Twelve Shillings, and for every wolve under the Age of one Year the sune of Six shillings, And that every Native Free Indian shall have & receive one half of the said reward for wolves Killed or Destroyed by them, and that no higher or other reward for Killing & Destroying of wolves, be payd in the said Countys, or any of them then those above mentioned, the before mentioned Acts, or any other Law to the Contrary thereof in any wise notwithstanding

And to the end the reward above mentioned may be Truely payd and Discharged Be it Enacted by the Authority aforesaid, that the Person or Persons killing or Distroying a wolve or wolves in any of the said Countys, and carring the head or heads thereof with the Entire Skin thereon to a Justice of the Peace residing in the County where the same shall or may be so killed or distroyed, the Said Justice of the Peace shall and hereby is obliged thereupon to give a Certificate thereof Greatis, & to mention therein the name or names of the Person or Persons that Killed Such wolve or wolves, the time when, & to distinguish

whether the Same were full grown or under the age of one year after which the ears of the wolve or wolves so Certified are to be cut of in the presence of the Said Justice, and such Certificate being produced to the supervizors of the County where a wolve or wolves shall be Killed or Distroyed, the said Supervisors shall and hereby are Obliged at their annual meeting to order the Treasurer of such County to pay unto the Party or Parties who so Killed or Distroy'd the same, or to his or their assigns the reward allowed and Established by this Act. And the said reward shall in the Countys above mentioned be respectively a County Charge, and raised Levyed & assessed in each of them to gether with the other Necessarys & Contingent Charges of the said Countys respectively

And be it further Enacted by the same Authority that this Act, shall be a Publick Act, and be of Force from the Publication thereof, until the first day of December which will be in the year one thousand seven hundred & thirty Nine & no Longer.

[CHAPTER 584.]

[Chapter 584, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., second p. 354.]

An Act for Confirming unto the City of New York its Rights and Priviledges

[Passed, October 14, 1732.]

BE IT DECLARED AND ENACTED by the Governour the Council and the General Assembly of the Colony of New York and It is hereby Enacted by the Authority of the Same that the Mayor Aldermen and Commonalty of the City of New York Shall and may forever hereafter remain continue and be a body Corporate and politick in Refacto et Nomine by the Name of The Mayor Aldermen and Commonalty of the City of New York and by that name to Sue plead and be impleaded and to answer and to be answered without any Seizure or forejudger for or upon any pretence of any Forfeiture or Misdemeanour at any time heretofore done Comitted or Suffered

AND be it Enacted by the Authority aforesaid that all and Singular Letters patent Grants Charters and Gifts Sealed under the great Seal of the Colony of New York heretofore made and granted unto the Mayor Aldermen and Commonalty of the City of New York be and are hereby DECLARED to be and shall be good Valid perfect Authentick and Effectual in the Law and

Shall Stand be taken reputed deemed and adjudged good perfect Sure available authentick and effectual in the Law against the Kings Majesty his heirs and Successors and all and every person and persons whomsoever according to the tenour and effect of the said Letters patent Grants Charters and Gifts

AND be it Enacted by the Authority aforesaid that all and Singular Letters patent Grants Charters and Gifts Sealed under the great Seal of the Colony of New York heretofore made and granted unto the Mayor Aldermen and Commonalty of the City of New York be and are to all intents and purposes hereby ratified and Confirmed

AND be it Enacted by the Authority aforesaid that the Mayor Aldermen and Commonalty of the City of New York and their Successors Shall and may forever hereafter peaceably have hold use and enjoy all and every the Rights Gifts Charters Grants powers Liberties privileges franchises Customs USAGES Constitutions Immunities markets Duties Tolls Lands Tenements Estates and Hereditaments which have heretofore been given or granted unto the Mayor Aldermen and Commonalty of the City of New York by any Letters Patent Grant Charter or Gift Sealed under the Seal of the Colony of New York.

AND be it Enacted by the Authority aforesaid that this present Act Shall be accepted taken and reputed to be a general and publick Act of Assembly of which all and every the Judges and Justices of this Colony in all Courts and all other persons Shall take notice on all Occasions whatsoever as if it were a publick Act of Assembly relating to the whole Colony any thing herein contained to the contrary thereof in any wise notwithstanding.

[CHAPTER 585.]

[Chapter 585, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 355.]

An Act for the relief of such Insolvent Debtors, as shall be Charged in Execution for Debts not Exceeding forty Shillings and the Cost of Suit in the Several Counties therein after mentioned.

[Passed, October 14, 1732.]

WHEREAS in the County of West Chester, Queens County, Kings County, Suffolk County, Richmond County, orange County, Ulster County, and Dutchess County Debts under forty Shillings

are or may be Sued for, before any one Justice of the Peace, who upon giving Judgment for the Plaintiff, may award Execution as well against the body as the Goods, and Chattles of the Defendant, whereby many poor Persons may be Imprisoned a Long time for very small sums of mony, (which they may be unable to pay) to the Ruin of their families, great Damage of the Publick who are in Christian Charity obliged to provide for them and their families, during their Imprisonment and without any real benifit to the Creditors For remedy whereof and for relief of such Prisoners.

BE it Enacted by his Excellency the Governour the Council and The General Assembly and it is hereby Enacted by the Authority of the same, that if any Person or Persons shall be Charged in Execution in any of the said Countyes for any sune of mony, not Exceeding in the whole forty shillings besides the Cost of Suit such Person or Persons may by petition apply to any Justice of the Peace residing within ten Miles of the County Goal or to one of the Justices living or residing nighs't to the Goal in the respective County where Such Person shall be so Imprisoned & therein sett forth, that the wearing apparell and bedding of such Prisoner, and his or her family, and the Tools of his or her calling, Excepted, he or she has not Goods to the value of forty shillings, but is ready and willing to bind him or herself by Indenture to serve the Plaintiff, or his or her Assigns for so long time as by the said Justice of the Peace shall be awarded, in Satisfaction and full discharge of the Debt and Cost of suite for which he or She is then Imprisoned and the Justice of the Peace so applyed to may and is hereby required to administer or tender to the Prisoner an oath or affirmation to the Effect following (which oath the said Justice is hereby Impowered to administer) I A. B. do Solemnly Swear in the Presence of God (or affirm) that I or any one In trust for me have not any goods or other Personall Estate (the wearing apparel and bedding for me and my family, and the Tools of my trade or Calling Excepted) Exceeding in Value of forty shillings in the whole. And upon the said Prisoners taking the said oath or affirmation the Justice aforesaid shall thereupon give reasonable notice to the Plaintiff to appear before him at a Certain day and place at which day and place the said Justice of the Peace is hereby fully Impowered to award for what time such prisoner shall become bound by Indenture to serve the said Plaintiff or his or her assigns in full Satisfaction of the said

Debt and Cost of Suit, so as such time of servitude do not for a man Exceed two months in summer, and three months in winter, and for a woman three months in summer, and four months in winter, And upon the Defendants Executing Such Indenture and, the Plaintiff accepting thereof, or upon the Plaintiffs not appearing, at said day and place having had reasonable notice as aforesaid, the said Justice shall order the Prisoner to be discharged, upon paying the prison fees, but if the Plaintiff shall appear at the day and place appointed by the said Justice and do refuse to or Take such Indenture as abovesaid for the Prisoner to Serve him his or her assignes and shall insist upon his or her being detained in prison, in such Case the said Plaintiff shall from thenceforth allow and pay or Cause to be paid and allowed four shillings per week unto the said prisoner on the monday of every week, so long as he or she shall continue a prisoner at his or her Suit. And on failure of the payment of the said weekly sum at any time, the said Prisoner upon application to the said Justice shall forthwith be discharged by his order as aforesaid, and such order shall be a Sufficient warrant, to the Sheriff or Goal keeper to discharge the Prisoner if detained for the Cause sett forth in the Petition aforesaid, and no other, and he is hereby required to discharge the said prisoner accordingly nor shall the Sheriff or Goal keeper be Lyable to any Action of Escape, or other suit or Information upon Account thereof.

PROVIDED ALWAYS, and be it further Enacted by the Authority aforesaid, that if any Person or persons who shall take such oath or affirmation as aforesaid, shall upon an Indictment for perjury in any perticular contained in the said oath or affirmation be Convicted by confession or by Verdict of twelve men, as he or she may be by force of this Act, the Person so Convicted shall suffer all the pains and penalties which May by Law be inflicted on any Person Convicted of Willfull perjury and shall never after have the benefitt of this Act Provided also, and be it further Enacted by the same Authority that any Person or Persons who shall be Charged in Execution as aforesaid & shall become bound by Indenture by the Award of any one Justice of the Peace as abovesaid, such Person or Persons shall not be liable, to any arrest for any sum or sums of mony due to any Person or Persons whatsoever during the term he she or they are to serve by such Indenture or Indentures as aforesaid Except for Debts where the real Cause of Action Exceed the sum of forty shillings. Provided allways and it is hereby enacted that Such

person or persons who Shall be So arrested for any Sum above ffourty Shillings during the Continuance of his her or their Indentures Shall after the delivery from Such arrest Serve the person indented to or his or her assignes for So much time as remained unserved at the time of Such arrest, PROVIDED also that any person So indented if during ye Continuance of the Indenture he or She will pay the debt and costs for w'ch they were indebted or Such part thereof as the Justice aforesaid shall judge reasonable upon paym't or lawfull tender whereof he or She Shall forthwith be discharged of Said Intenture.

And be it further Enacted by the Authority aforesaid, that this Act shall be Deemed and Esteemed a Publick Act in all Courts of Record and by all Justices of the Peace and all other officers within this Colony, and shall be and remaine of force from the Publication thereof, until the first day of December which will be in the Year one thousand seven hundred and thirty four and no longer.

[CHAPTER 586.]

[Chapter 586, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not printed in Bradford, 1732 ed.]

An Act for Naturalizing Maria Veldtman
Geertruyda Veldtman Hendrick Veldtman
Hans Veldtman, Johan Jacob Ell, Hero Ellis
Johannes Franciscus Walter & John Dewint.

[Passed, Octobe. 14, 1732.]

WHEREAS Maria Veldtman widdow in behalf of her self and her three Children namely Geertruyda Veldtman, Hendrick Veldtman and Hans Veldtman, as also Johan Jacob Ell Hero Ellis Johannes Franciscus Walter and John Dewint Have by their several Petitions, presented to the General Assembly of the Colony of New York desired that they may be Naturalized and become his Majestys Leige Subjects within the Said Colony; BE it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the above named Maria Veldtman Gertruyda Veldtman Hendrick Veldtman Hans Veldtman Johan Jacob Ell Hero Ellis Johannes Franciscus Walter and John Dewint shall be and hereby are declared to be Naturalized to all Intents Constructions and purposes whatsoever and from henceforth and at all times hereafter shall be Entitled to have and Enjoy, all the

rights Liberties Privileges and advantages, which his Majestys Natural born Subjects in the said Colony have and Enjoy or ought to have and Enjoy, as fully to all Intents and purposes whatsoever, as if the said Martin Veldtman Gertruyda Veldtman Hendrick Veldtman Hans Veldtman Johan Jacob Ell Hero Ellis Johannes Franciscus Walter and John Dewint had been born, within his Majestys said Colony of New York, Provided alwayes, and it is hereby further Enacted by the same Authority That the said Maria Veldtman Geertruyda Veldtman Hendrick Veldtman Hans Veldtman Johan Jacob Ell, Hero Ellis, Johannes Franciscus Walter and John Dewint shall Severally take the oaths appointed by Law Instead of the oaths of allegiance and Supreamacy Subscribe the Test and make repeat Swear to and Subscribe the abjuration oath, in any of his Majestys Courts of Record within this Colony which oaths the said Courts are hereby required upon application to them made to administer, take Subscription and Cause the Names of the said Persons so swearing and Subscribing to be entered upon Record in the said Court, and each and every of the said Persons are hereby required to pay, the several sums hereinafter mentioned, that is to say, to the speaker of the General Assembly, the sune of ten shillings, to the Judge of the Court, the sune of six shillings, and to the Clerk of such Court the Sum of three Shillings

And be it further Enacted by the Authority aforesaid, that if any Person or Persons hereby Naturalized having so sworne and Subscribed as aforesaid shall demand a Certificate of his her or their being Entered upon record in the Manner hereinbefore directed, the Court or Courts in which such oaths and Subscriptions shall be Made are hereby directed and required to Grant such Certificate under the hand of the Judge and Seal of the said Court or Courts in which such oaths and Subscriptions as aforesaid shall be made, Countersigned by the Clerk of the said Court for which Certificate each of them shall pay over and above the sums beforementioned, the sum of six shillings one half to the Judge of Such Court, and the other half to the Clerk thereof, which Certificate or Certificates, shall at all times be to the Person or Persons therein named a sufficient proof of his or her or their being Naturalized by Virtue of this Act in as full and Effectual a manner as if the Record aforesaid was actually produced by the Person or Persons so named in such Certificate Provided also, and be it further Enacted by the Authority aforesaid that such of the Persons hereby Naturalized, and now of the

age of Twenty one years or upwards, as shall not take the oaths test and abjuration, in manner hereinbefore directed within nine months after the publication of this Act, and such of the said Persons now under age as shall not take the said oaths Test and abjuration, in manner, as aforesaid, at any time after he she or they shall respectively attain to the Age of fourteen or before they or any of them shall arrive to the age of Twenty one years, such of the Said Person or Persons delaying or omitting the same, shall have no manner of Benifit by this Act anything therein Contained to the Contrary notwithstanding

[CHAPTER 587.]

[Chapter 587, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 364. See chapter 543. Expired December 1, 1737. Provided for by chapter 691.]

An Act for Reviving an Act Entituled
an Act for Licencing Hawkers and Pedlars
within this Colony, and for paying the sum of
Sixty pounds unto Richard Bradley Esq'r.

[Passed, October 14, 1732.]

WHEREAS an Act of the General Assembly Entituled an Act for Licencing Hawkers and Pedlars within this Colony, is Expired by its own Limitation. BE it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled an Act for Licencing Hawkers and Pedlars within this Colony, shall be and hereby is Revived and Enacted to be of force and every Clause article and thing therein Contained from and after the Publication hereof untill the first day of December which will be in the year one thousand seven hundred and thirty Seven and no Longer Provided allways, and it is hereby further Enacted by the same Authority that one Margaret Westervelt of Flat Lands in Kings County having no other way of maintaining and Subsisting her Self and her Husband then by pedling on foot with small wares in the said County, and in the Western Parts of Queens County Called new Jamaica shall and hereby is allowed to Peddle with small wares on foot in the said County, and in the Western Parts of Queens County Called New Jamaica Without paying the Duty or tax mentioned in abovesaid Act, anything therein to the Contrary,

thereof in any wise notwithstanding, And whereas in the supream and other Courts held in this Colony the Jurors for our Lord the King did present Sundry Criminal and Capital offenders; And Richard Bradley Esq'r Attorney General of the said Colony having Carried on Proper prosecutions Against such Malefactors, without having received a Due reward from many of them, for his Trouble in and about the said prosecutions, In Consideration whereof, be it Enacted by the Authority aforesaid, that the Treasurer of this Colony shall pay out of the Money already arisen by Virtue of the abovementioned Act, and out of the first mony that may arise by Virtue of this present Act, unto the said Richard Bradley his Executors administrators or Assigns, the sum of Sixty pounds and the Receipt or receipts which he, his Executors, Administrators or assigns shall pass and sign for the same, shall be a good and Sufficient Discharge in the Law to the said Treasurer on Acco't of this Act for so much as therein shall be Acknowledged to be received, Provided the whole do not Exceed the sum above mentioned

[CHAPTER 588.]

[Chapter 588, of Livingston & Smith and Van Schaaek, where the title only is printed. Printed in full in Bradford 1732 ed., second p. 357. Explained by chapter 608.]

An Act to Enable the Justices of the Peace in Ulster County to Build a Court House & Goal for the said County & to Enable them to dispose of the old County house & Goal & the Lott of Ground it stands on & to Enjoin the Supervisors to raise the Charge or Executing ye negore therein Mentioned.

[Passed, October 14, 1732.]

WHEREAS the Court House and Goal in the County of Ulster is not only to Small, but much out of repair, and the Justices of said County, in General Sessions held for ye said County the Second Day of November last, on behalf of the Inhabitants of said County did apply to the members of the General Assembly for said County praying them to make application to the then next General Assembly to procure an Act of General Assembly, for Building a New Court House and Goal for said County, and for that purpose to raise and Levy a Sum not Exceeding the sum of five hundred pounds on the Inhabitants of the said County and

to have Leave to sell the old one and the Ground it stands upon, and applying the Produce thereof for the use above mentioned, And to the end so usefull and Publick a Designe may be promoted BE it Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the same, that it shall and may be Lawfull, for the Justices of the Peace or the greater Number of them at the next or any other General Sessions of the Peace to be held for the said County, to raise Levy and Collect of from and upon all and every Freeholders Inhabitants and Sojourners within the said County, at Such time and times as to them shall seem most Convenient a Sum Not Exceeding the sum of five hundred pounds by the same rules methods and under the Same regulations and restrictions as are Enacted, ordered and directed in and by an Act of the General Assembly, Entituled an Act to authorize the Justices of the Peace to build and repair Goals and Court Houses in the several Counties within this Province passed in the fifth year of his Late Majestys Reign, in as full and ample manner to all Intents Constructions, and purposes whatsoever, as if the said mentioned Act (so far as it relates to Ulster County) and every Clause and article thereof had been particularly and at Large incerted in the body of this Act

And to the end there may be no delay in building finishing and Compleating the Court House and Goal aforesaid, which it is Conceived may better and sooner be done and managed under the Care and management of one Person then many BE it further Enacted by the Authority aforesaid that the money to be raised by Virtue of this Act shall from time to time be paid by the several and respective Collectors unto such Person as by the said Justices or the major part of them in the General Sessions aforesaid shall be Nominated or appointed to receive the Same shall by him be Imployed for materials and workmanship to and for the use and purposes aforesaid, and to no other use whatsoever acording to such orders and directions as he shall from time to time receive for that purpose from the Justices of the Peace of the said County or the Greater part of them he the said Person so appointed as aforesaid first giving sufficient Security at the General Sessions of the Said County, for his due, and true disposition of the mony to be received by him by Virtue of this Act, and that he shall and will, at all times be accountable for the same, when therunto required by the said Justices at any of the said General Sessions to be held for the Said County

And be it further Enacted by the Authority aforesaid, that it shall and may be Lawfull to and for the said Person appointed as aforesaid to retain In his own hands of all the mony to be received by him by Virtue of this act, and for imploying the same in materials and workmanship to and for the use and purpose aforesaid and for keeping and rendering accounts thereof a sum not Exceeding Tenn pounds for every hundred pounds to be received and Employ'd by him as aforesaid, and so in proportion for a greater or Lesser Sum And be it further Enacted by the Authority aforesaid, that it shall and may be Lawfull to and for the Justices of the Peace aforesaid or the Greater Number of them at the first or any other of the General Sessions, to be held for the County aforesaid, to name and appoint a Committee out of the same Justices for the ordering and directing the said Persons so as aforesaid appointed how and in what manner the Goal and Court House aforesaid, shall be made and the said Person appointed as aforesaid is hereby obliged to observe the Same accordingly, which said Committee shall and may from time to time Inspect Examine and Audit all the Several and Respective accounts for workmanship And materials to be Employed for and towards the making the Court House and Goal before mentioned, and for all such accounts as they shall find Just and do allow of, as such, the said Committee or any five of them shall Issue their warrant or warrants for the same under their hands and Seals directed to the aforesaid Person So to be appointed as aforesaid who is hereby required to pay and discharge the same, in Course out of the monys received by him by Virtue of this Act, as he shall from time to time, receive the Same, and the payment of all such warrants, with proper receipts thereon from the respective Persons to whome they are payable, shall be good and Sufficient Vouchers to the same Persons for so Much as in Such warrant or warrants shall be mentioned and Exprest

And be it further Enacted by the Authority aforesaid that in Case there shall be any part left of the mony to be received by the said Person so to be appointed by Virtue of this Act after the abovementioned Court House, and Goal shall be made and finished all Such overplush shall be for the benefit of Ulster County, aforesaid, & be delivered to Such Person or Persons as the supervisors for the time being of said County or the major part of them, shall direct to Employ the same for and towards the payment of

their annal County Charge, And that the good purposes Intended by this Act may not be defeated or delayed BE it further Enacted by the authority aforesaid that upon the death removal or neglect of the Person So to be appointed as aforesaid to do and perform the several Services hereby directed To be performed by him, it shall and may be Lawfull to and for the Justices of the Peace aforesaid, or the greater Number of them or for the Committee to be appointed out of them in manner aforesaid, to name Constitute, and appoint one or more Persons in his stead, who shall have the same power and allowance, and be under the same regulations and restrictions as if he or they had been Expressly named in the body of this Act

And be it further Enacted by the Authority aforesaid that for the better Enableing the said Justices to purchase, a more Commodious Lott of Ground than where the old Court House and Goal now Stands, the said old Court House, and Goal and Lott of Grounds shall be sold and the money thereby ariseing to be appropriated and applyed towards purchaseing the said other Lott of Ground and Such other uses aforesaid, And that in order thereunto the aforesaid Justices of the Peace or the major part of them are hereby Impowered and Authorized to Sell and dispose of the aforesaid old County House Goal and Lott of Ground to the Best advantage, and to signe Seale and deliver Deeds and Conveyances thereof unto any Person or Persons whatsoever, which Deeds and Conveyances; made and Executed shall be and are by virtue of this Act a good Valid and Sufficient title in the Law to all Intents Constructions and purposes, whatsoever as fully and amply as if the Person or Persons, in whome the Estate right and title thereto in Law is now actually Vested had Executed Deeds and Conveyances for the same and ye purchaser Or purchasers thereof, are and shall be hereby severally and respectively Invested in and Entituled to an Estate of ffree hold in ffee Simple of and in the same Lott of Ground tenements hereditements and premises purchased by them by Virtue of this Act from the said Justices or the major part of them to all Intents and purposes whatsoever in as full and ample manner, as if the same Lot of Ground and premisses had been Sold and disposed of by the said Person or Persons in whome the Estate right and tittle thereto in Law is now actually Vested according to the best and most

Exact Perfect and due form by the rules of Law required to be done unto them or any of them

And be it further Enacted by the Authority aforesaid that the monys arriseing by the sale of the said old Court House and Goal and Lott of Ground shall be by the said Justices appropriated and applyed for the purchase of a more Commodious Lott of Ground in Kingston in the said County for the building thereon Such New Court House and Goal as aforesaid and other the purposes aforesaid and the Said Justices, and the Person or Persons to whome such mony, shall be paid by the said Justices for the uses aforesaid shall be accountable for their Disposition thereof in like manner as before herein is mentioned

Allways provided and be it Enacted by the Authority aforesaid that it Shall and may be Lawfull to and for the beforementioned Justices or the major part of them in their said General Session of the Peace to Cause the County House and Goal hereby Intended to be built, to be erected and built on the Lott of Ground on which the old one at present Stands, any thing herein to the Contrary thereof in any wise notwithstanding, And whereas in the year one thousand seven hundred and thirty a negroe man Called Jack being convicted of Burning a barne and a Barrack with wheat in the said County was Condemed to be burnt, for the same but the Justices not being able to procure an Executioner to performe the sentence at the rate Limited in an Act Entituled an Act for the more Effectual Preventing and punishing the Conspiracy and Insurrection of Negroes and other slaves, for the better regulating them and for repealing the Acts herein Mentioned relating thereto were obliged not only to hire one at a much greater price but Likewise to pay the price so agreed for and the same being as yet not raised by the said County. BE it Enacted by the Authority aforesaid that the supervizors of the said County shall at their next meeting or at their first meeting thereafter raise and Levy together with the other necessary and Contingent annual Charge of the said County such sum of mony as has been Actually payd by the said Justices in and about the Execution of the Said Negroe, and order the same to be payd to the Justice or Justices who so Payd and advanced it as aforesaid

Any thing in the said Act to the Contrary notwithstanding

[CHAPTER 589.]

[Chapter 589, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 361. See chapter 570.]

An Act to revive and Enforce part of
an Act Entituled an Act to Enlarge and
release Andrew Law Jun'r upon Surrendring
of his Estate in the manner and for the use
therein Mentioned

[Passed, October 14, 1732.]

WHEREAS in and by An Act of the General Assembly Entituled an Act to Enlarge and release Andrew Law Jun'r upon surrendring of his Estate in the manner and for the use therein mentioned, passed in the fifth year of his present Majesties Reign, David Van Brugh was appointed Impowered and fully Authorized, not onely to receive and make Sale of the Estate, which the said Andrew Law, was thereby directed to deliver and Surrender up to him, but Likewise to Collect and receive in the East Ward of the City of New York the arrears of the several Publick taxes therein mentioned which should have been Collected & gathered in that ward whilst the said Andrew Law was the Collector thereof and to pay the mony to arise by Such Sale and Collection unto the Treasurer of this Colony within Six months after the Publication of the said Act, as in and by the same Act relation being thereunto had, may more at Large appear

And Whereas by the Account of the said David Vanbrugh it appears that the Effects so Surrendered to him by the said Andrew Law have produced no more than the sume of Twenty seven pounds three Shillings and Eleven pence half penny besides four pounds twelve Shillings, Still outstanding upon their Accounts, and that of the Arrears of the Taxes above mentioned, he has received, no more than the sume of three hundred forty one pounds twelve shillings and one penny half penny tho by the said Several tax Rolls there Still appears to be uncollected the sume of two hundred Ninety one pounds Seventeen shillings, and three pence half penny;

And whereas the said David Vanbrugh had Informed the General Assembly that many of the Persons so appearing to be stil in arrear of the said taxes are unwilling to pay the same and that others so appearing to be in arrear, had by fair promisses put him off from time to time until the time Limited in the Said Act for receiving and Collecting the same was Expired

And whereas it is Just and reasonable that the arrears which such Persons Doe Stil Bona fide owe on the said taxes, should be gathered from them, as wel as it has been from those who have already payd their Quotas, as Likewise that the real Difficiency of the aforesaid taxes be knowne. before the said Eastward ought to be taxed for making the Same good,

Be it Enacted by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That all and every the Powers and Authorities which in the above mentioned Act were given to the before-named David Van Brugh for receiving and Selling the Estate of the said Andrew Law, and for Gathering and Collecting the aforementioned Arrears, of the said several taxes shall be and hereby are revived, and every Clause Article and thing relating thereto shall be and remaine of Force from the Publication hereof untill the first day of June, next Ensuing, in as full and ample manner to all Intents Constructions and purposes whatsoever, as if those Clauses were transcribed from the Act aforesaid, and Incerted in the body of this present Act and the said David Van Brugh is hereby required to put the Same in Execution Accordingly

And to the End the good Intent of this Act may take Effect, Be it Enacted by the Authority aforesaid that for all Such rates and Taxes of Houses and Tennements in the Said East ward as by the said tax rolls appears not to have been payd, and of which the payment is not proved by a receipt or oath as in the aforesaid Act is provided, it Shall and may be Lawfull to and for the said David Vanburgh, to destrain any Goods or Chattles that are or can be found in or upon Such Houses and Tennements, tho the Same are in the Tenure or occupation of other Persons then those named in the Said tax Rolls, and for rates and taxes of Personal Estate so appearing unpaid, and payment not proved in Manner as aforesaid, it shall & may be Lawfull for him to make distress for the same on the goods and Chattles of the Person or Persons so taxed if he she or they live within the City of New York, tho removed out of the Said East ward Sence the aforesaid tax Rolls Issued, and if Such distress or distresses be not Redeemed in Six days by paying the rate for which the same was or were destrained, together with reasonable Charges for destraining, it shall be Lawfull to and for the said David Van Brugh to make Sale of the goods and Chattles so destrained at publick Vendue, returning the overplush (if any.) to the owner or owners thereof.

And to the End the said Eastward may be eased as much as possible in the Deficiency of the several Taxes aforesaid Be it Enacted by the same Authority, That the said David Vanbrugh shall, and he is hereby required by all or any of the means prescribed and directed in and by the before mentioned or this present Act to Collect and gather before the time above Limited all and every the aforesaid taxes or arrears of Taxes still due from or owing by all Such Person and Persons as were free holders Inhabitants residents or sojourners in the said Eastward at the time and times those taxes were Layd and assessed

BE it further Enacted by the Authority aforesaid that the said David Van Brugh Shall from time to time and before the fifteenth day of June, next Ensuing pay unto the Treasurer of this Colony all the sume and sumes of mony he Shall receive or recover by Virtue of this Act Deducting out of the same for his own use the reward Allowed by the Act aforesaid, and that he lay a true account on oath of his proceedings herein before the first General Assembly that Shall meet after the day above mentioned as he is likewise to doe before the Governour and Council if by them or either of them thereunto required

And be it Enacted by the same Authority that this Act shall be Deemed and accepted a Publick Act, and Allowed and admitted as such in all Courts and by all officers within this Colony

[CHAPTER 590.]

[Chapter 590, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 363. Revived by chapter 635.]

An Act for the speedy punishing and releasing Such persons from Imprisonment as shall Commit, any Criminal offences in the City of New York under the Degree of Grand Larceney

[Passed, October 14, 1732.]

WHEREAS not only Several disorderly Persons inhabiting in the City of New York but many vagrant and Idle persons passing through the same from the Neighbouring Counties and Colonies, have often Committed divers misdemeanours breaches of the Peace and other Criminal offences under the Degree of Grand Larceney, who not being able to procure bail to appear at ye General Quarter Sessions of the Peace then next to be held for the said City and County, and having no Substance of their own

have been at great Expence to the Inhabitants thereof in maintaining them in the mean while in Goal, whilst at the same time their long Imprisonment hath been a great damage to many of their ffamilies, who wanted their Labour to support them, And after all that Expence have often found means to Escape their deserved Punishment

BE it Enacted by his Excellency the Governour the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, that if any Person or Persons shall Committe any Misdemeanour, breach of the Peace, or other Criminal offence under the Degree of Grand Larceney within the said City of New York, and being taken and Committed to the Common Goal of the said City and there kept The full space of forty eight hours from and after such Committment, shall not give good & Sufficient bail for his her or their appearance at the then next General Quarter Sessions of the Peace to be held for the said City and County, then and there to answer the offence or offences he she or they shall be Charged with, then, and and in Such Case it Shall and may be Lawfull to and for the Mayor Deputy Mayor Recorder and aldermen for the time being or any three of them whereof the Mayor Deputy Mayor or Recorder to be one, forthwith to hear and determine the offence or offences Committed by the said offender or offenders as above said, and the said offender or offenders, being Convicted by Confession or by the oath of one or more Credible wittnesses the said magistrates or two of them agreeing are hereby Authorized to give Judgement against the said offender or offenders so Convicted as aforesaid, to have and receive such Corporal punishment (not Extending to Life or Limb) as they in their discretion shall think proper which said Judgment they are to Cause to be put in Execution by the Publick whipper of the said City or by any other Person that will undertak the same, and after the said offender or offenders shall have received his her or their punishment being an Inhabitant or Inhabitants of the said City shall be Imediately discharged without paying any fees; but not being such an Inhabitant or Inhabitants, he she or they shall Imediately be ordered out OF the said City and County to the Place of his her or their last Settlement or abode or out of this Colony; and if any Person or Persons having been So ordered and Commanded out of the Said City and County as aforesaid shall remaine in the Same for the Space of forty eight hours or returne thereto within Six

months after Such order or Command such Person or Persons so remaining or returning shall be forthwith apprehended and againe receive such Corporal Punishment as the said Magistrates in their descretion shall order and direct (not Extending to Life or Limb) as aforesaid. BE it further Enacted by the same Authority, that the Charges of Prosecuting, and punishing each offender as aforesaid in the manner above mentioned shall be raised Levyd and payd in the Manner and at the same time that mony is raised in the City of New York for the maintainance of the Minister and poor of the said City, so as the whole Charge for prosecuting and punishing each Such offender Exceed not the sume of ten Shillings. And be it further Enacted by the same Authority that this Act shall be deemed taken and Esteemed a Publick Act and allowed and admitted as Such in all Courts of record, and by all Judges and Justices of the Peace, and all other officers within this Colony, and that the Same shall be of fforce from the Publication hereof, untill the first day of December which will be in the year one thousand Seven hundred and thirty five

[CHAPTER 591.]

[By a misprint, this chapter is 611 of Livingston & Smith. Chapter 591, of Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 365. See chapter 516. Expired September 1, 1737. See Report of Lords of Privy Council, relative to this act. Document Relative to Colonial History VI, p. 32.]

An Act to repeal the Act, and to Cancel the Bills of Credit therein Mentioned; And to Grant unto his Majestty several Duties for suporting his Government in the Colony of New York untill the first day of September, which will be in the year one thousand seven hundred and thirty seven

[Passed, October 14, 1732.]

WHEREAS the Provision now Subsisting for suporting his Majestys Government in and over this Colony, wil determine on the first day of September next Ensuing the General Assembly to Manifest their and the Peoples Duty Loyalty and affection to and for his Majestys Person and Government, have Unanimously Resolved to provide an ample and Honorable further suport of the said Government for the time and in the Manner hereinafter mentioned.

BE it therefore Enacted, by his Excellency the Governour, the Council and the General Assembly, and it is hereby Enacted, by the Authority of the same, That one Act of General Assembly, Entituled an Act to repeal some Parts, and to Continue and Enforce other parts of the Act therein Mentioned, and for Granting several Duties to his Majesty for Suporting his Government in the Colony of New York, from the first day of September one thousand Seven hundred and Twenty eight untill the first day of September which will be in the year one thousand Seaven hundred and thirty three passed in the second year of his Present Majestys Reign as allso, an Act to Explain part of it passed in the fifth year of his said Majestys Reign shall be repealed on the first day of December, next Ensuing, and every Clause article Matter and Thing there in Contained, is hereby Declared, and Enacted to stand Repealed and become utterly Void and of no Effect on the said first day of December next, Except what is hereinafter provided for receiving and Recovering of what is or may in any manner be owing by Virtue of the same.

AND WHEREAS on the Credit of the several Fonds and Duties Granted for Suport, of the said Government by an Act of General Assembly Entituled an Act for a suply to be Granted to his Majesty for suporting his Government in the Province of New York during the time therein Mentioned, and for repealing one Act of the General Assembly Entituled an Act for a Suply to be Granted to his Majesty for suporting his Government, in the Province of New York; from the first day of July, which shall be in the Year of our Lord one thousand Seaven hundred and Twenty until the first day of July one thousand Seaven hundred and Twenty one, passed in the seventh Year of his Late Majestys Reign, there were struck and Issued Bills of Credit to the Value of five thousand ounces of Plate, which were to be and remaine Currant in all payments untill the first day of July in the year one thousand Seven hundred, and Twenty six, and to be sunk, and destroyed out of the Produce of said Fonds on or before the second day of January then next Ensuing, as in and by the said Act, refference being had thereto, may more at Large appear.

BUT in as much as on the Act above Mentioned several warrants Issued in Council which did not properly appertain to the suport for which the Fonds therein Mentioned were Granted, and Intended; whereby it became so far Impracticable to Cancel the aforesaid Bills of Credit out of those Fonds (tho' the same were Larger then they have been since) That several Extraordinary

Levys were raised to Suply the Deficiencys which then happened in the said Suport, For which reason the beforementioned Bills of Credit have by Subsequent Acts of the General Assembly from the time been Continued to remaine Currant, untill the first day of September which will be in the year one thousand Seven hundred and thirty three.

AND WHEREAS Latterly a strickter Reguard has been had in Issuing warrants to Discharge the proper Salaryes and Contingenceys for which the suport of Government was Granted and Intended; By which means the Treasury has been Enabled duly to pay such warrants from time to time, and is still so well suply'd that the aforesaid Bills of Credit can be Canceled out of the same, and a Considerable sum Remaine in it to answer the present and part of a future suport; And as the Said Bills of Credit have been struck and Issued on Fonds Granted for Support of Government it is conceived Just and Reasonable that the same should be Canceled out of the monys Granted for the Like use; For which purpose Be it Enacted by the Authority aforesaid That after the first day of September next Ensuing none of the Bills of Credit beforementioned struck and Issued by virtue of the Last mentioned Act passed in the seventh Year of his Late Majestys Reign shall be Currant within this Colony in any payment whatever, Except in the Treasury only

AND whereas many of those Bills, as well as other Bills of Credit made Currant in this Colony were become so shattered Torne and Defaced, that the real Value for which they were Struck and Issued could Scarcely be distinguished, other Acts, of the General Assembly passed for striking new Bills of Credit, and Lodging them in the Treasury in order to be Exchanged in Lew of such shattered Torne and Defaced Bills as aforesaid, and to the End it might be known which of the said Bills were so Exchanged, a Blank oval was Imprinted in the Cyphering or Flourishing part of the said New Bills wherein the Treasurer was Enjoyned and directed to place in figures the year, 1720, in all such as he should so Exchange for Bills struck and Issued in that year by Virtue of the Act herein last mentioned; as in and by the said Acts for striking and Issuing such new Bills may more at Large appear, BE it therefore Enacted by the Authority aforesaid That all the Bills of Credit so Exchanged for the Bills aforesaid, and have in the oval above mentioned the year 1720, incerted shall after the said first day of September next Ensuing likewise Cease to be Currant in any payment whatever Except in the Treasury onely:

BE it further Enacted by the same Authority, That all and every of the Bills of Credit so struck and Issued in the year one thousand seven hundred and Twenty, and all those Exchanged in Liew thereof as aforesaid or such part of them as shall be in the Treasury at the time herein after mentioned, shall by the Treasurer of this Colony be sunck Canceled and destroyed, or by him be Caused to be sunck Canceled and destroyed within three months next after the said first day of September next Ensuing in the Same Manner, as in and by the Act aforesaid in that Case is ordered and directed to be done which he is hereby likewise required to doe from time to time as the said Bills or either of them shall afterwards come to his possession and to the end he may the speedier be possessed thereof, he is hereby required by advertisements to be affixed by him in the most Publick and usual Places in the City of New York as likewise in the New York Gazette to Desire all Persons possed of Such Bills to bring the same to him and upon their so doing he is hereby further required to pay the Value they are Struck and Issued for in other Bills of Credit or in mony which shall then be in his hands upon Account of the said suport to the Person or Persons Producing to him such Bill or Bills of Credit as aforesaid.

BE it further Enacted by the Authority aforesaid that of all the above mentioned Bills of Credit which shall be Canceled and Destroy'd in Consequence hereof, The said Treasurer shall keep an Exact Book, and render true Accounts thereof upon oath to the Governour, the Council and the General Assembly when by them or any of them thereunto Required, as in and by the aforesaid Act is directed; And for so much as such Canceled Bills of Credit by such Sworn Accounts shall appear to amount to in Value, shall be a good Voucher and Discharge to the said Treasurer for so much on accounts of the Suport beforementioned

AND WHEREAS, it may Reasonably be presumed that by the Length of time for which, the beforementioned Bills of Credit have been Currant, many of them have been or will be lost; BE it Enacted by the Authority aforesaid that whatever such lost Bills may Exceed the Charges which have accrued in Stricking and Issueing such new Bills as aforesaid shall be for the Sole Bennefit of this Colony, and be applyd for and towards the suport of the Government thereof.

BE it further Enacted by the same Authority, That after the before mentioned Bills of Credit are Cancelled and distroyed in the manner and by the means aforesaid, all the residue of the

mony then in the Treasury on account of the said suport whether it hath arisen or shall arise either by virtue of the Act herein first mentioned, or by this present Act, shall be apply'd and Imploy'd to and for suporting his Majesties Government in this Colony, and to and for no other use or purpose whatsoever

And to the end further Provision may be made to suport the said Government in an ample manner during the time herein beforementioned, BE it Enacted by the Authority aforesaid that there shall be, and hereby is given and Granted unto his Majesty his heirs and Successors, for and towards suporting his Government in and over this Colony, and to and for no other use or Purpose whatsoever, the following Duties and Impositions on the Goods and Merchandizes hereafter mentioned which shall be Imported or Manufactured in the said Colony, from the first day of December in this present year one thousand seven hundred and thirty two untill the first day of September which will be in the year one thousand seven hundred and thirty seven: That is to Say

For every Slave (male or Female) of four Years of age and upwards Imported directly from affrica, the Quantity of five ounces of sivil Pillar or mexico Plate, or Forty shillings in Bills of Credit made Currant in this Colony

For every Negroe Mulato or Indian Slave (male or Female) of four years of age and upwards, Imported from all other Places by Land or Water, the sume of four pounds in Like mony

For every Pipe of wine, without Distinction or Exception, or any other allowance then what is hereinafter Explained, From all Places whence the same may Legally be Imported the Sume of two pounds five shillings in like mony, and after that rate for a Greater or Lesser Quantity

FOR every Gallon of Rum Brandy, or other Distilled Liquors; as Likewise for every Gallon of Shrub or any other Liquors of which spirit is the greater part from all Places whence the same may Legally be Imported, the sum of two pence half penny in Like mony; For every Gallon of rum or other spirits Distilled wholly or in part from Molosses within this Colony the sum of two pence half penny in like mony,

For all European or East India Goods Imported with proper Certificates from the British IsLands in the west Indies, the sume of five pounds in like mony for every hundred pounds, Value prime Cost and after that Rate for a greater or Lesser Quantity

For every hundred weight of Cocoa Imported (reckoning one hundred & Twelve pounds to the hundred) the sume of four shillings in like mony and after that rate for a greater or Lesser Quantity to be Computed from the respective Invoices thereof; and if the same are in Dutch weight four p Cent is to be allowed, That is to say after the rate of one hundred and four pounds Dutch for one hundred and Twelve pound English weight

And to avoid and Clear up Disputes concerning the Duty of slaves, Be it declared and Enacted by the Authority aforesaid That all Slaves Imported from affrica in the Same ship or Vessel which took them aboard on any part of that Coast shall be Subject to pay no more then the said forty shillings for each of them, tho such ship or Vessel had Stopt or Entered in any other Port or Ports before her arrival here, Provided that the MASTER or the mate, and Some other officers which came in such ship or Vessel from affrica make oath before the Treasurer of this Colony That all and every the slaves so Imported here were actually taken, aboard of that Vessel on the Coast of affrica, and that they have not been Landed or put ashore at any Place Since they were so taken in by that Vessel on the said Coast

BE it Provided and Enacted by the same Authority that all Such Negroe or other Slaves, as belong to the navigation of any ship or other Vessel, and Slaves belonging to the Neighbouring Colonyes, and going or coming to and from one Colony to another, upon the Service of their owners Masters or Mistresses and Such as are under the age of four years, shall be Exempted from the Duty hereby imposed on Slaves.

BE it further provided and Enacted by the Authority aforesaid that any Gentleman or Gentlewoman may Import one Slave to attend on their Person without paying Duty for the same; But if such Gentleman or Gentlewoman shall at any time thereafter Sell or dispose of such Slave, he or she shall pay the full Duty thereof to the Treasurer and upon failure of Such payment within two days after such sale, the owner or owners of the Slave or Slaves so sold shall forfeit the sum of Ten pounds to be recovered and apply'd as other Forfeitures are hereby directed to be recovered and apply'd and the slave so sold shall nevertheless be subject to the Duty Imposed by this Act.

AND WHEREAS some People have often pretended that slaves Imported by them are designed to attend on their Persons BE it declared and Enacted by the Authority aforesaid That if such Importer shall make oath before the Treasurer that Such Slave

has actually waited on the Gentleman or Gentiewoman Importing the same upwards of one year before Such Importation, such Slave shall thereupon be Exempted from the Duty Imposed by this Act; But if such Slave is afterwards Sold and the Duty thereof is not paid within two days after such sale the owner of Such Slave shall be Liable to the Penalty abovementioned to be recovered and applyed in Like manner as above is directed.

AND to remove Doubts and disputes that may arise concerning the age of slaves hereafter to be Imported; BE it Enacted by the same Authority, that the Slave or Slaves about which such doubts or disputes may happen shall be brought before any two aldermen of the Citty of New York for their Inspection, and their opinion or Judgment thereon shall finally Determine whether such Slaves shall be Deemed under or above the age of four years

BE it Enacted by the Authority aforesaid that all such Slave or Slaves so Imported as shall Dye within thirty days after his her or their arrival shall be Exempted of the Duty beforementioned, provided proofs be made upon oath before the said Treasurer THAT such slave or Slaves was or were Sick at the time of the Landing thereof, and Dyed within the time above Limited, And if any Slave or Slaves Should be sent from the British Islands to this Colony for the recovery of their health, They shall likewise be Exempted of the said Duty, PROVIDED proof is made in manner as aforesaid that such Slave was sent hither for that purpose and Security given to pay the said Duty in Case the same is not sent back within eight months after the Importation, or Immediately upon the sale thereof if sold in the mean while.

AND Be it further Enacted by the same Authority That if the owners or Importers of Slaves shall upon their paying of the Said Duty desire a Receipt for the same, the said Treasurer is to give it Gratis accordingly; which receipt or receipts shall be allowed good proof that the Duties are payd for the slave or Slaves therein Mentioned

BE it further Enacted by the Authority aforesaid that all wines Imported into this Colony from the Commencement and during the Continuance of this Act shall be subject and Liable to pay the Duty therein Mentioned, whether the same be sound or Prickt, and that no Person or Persons whatever shall be Excused or Exempted from paying the said Duty, saving onely his Excellency the Governour for the time being of Wines for his or their owne use

AND for avoiding Disputes about Wines, BE it declared and Enacted by the Same Authority that in Case wines Imported shall be filled up either aboard or at their LANDING on the Key or wharff, the full Duties thereof shall be payd, But if the same are not so filled up an allowance or Deduction is to be made of ten p Cent out of the Said Duty on the whole parcel which each Merchant or other Person shall Import in each Vessel respectively Provided nevertheLess that if of such parcel or parcels of wines, it shall appear upon oath made before the Treasurer by the Master and mate or one of the marriners of the Vessel Importing the same, that one or more pipes or Cask thereof are staved or wholly Leaked out, no Duty, shall be Demanded or Payd for such pipe or Cask as shall so appear to be staved or wholly leaked out, and if of such Person or Persons as have onely one or two Pipes or other Cask on board of any perticular Vessel, one half part or more thereof should happen to be leaked out, Duty shall be payd for so much onely as shall remaine therein provided the sworne Guager doe first Certify to the Treasurer the real and net Contents thereof, for which Certificate the said Guager is to demand and receive from the Importer the sum of Twelve pence and no more

BE it further Enacted by the Authority aforesaid that the duty hereby Imposed on Rume Brandy and other Distilled Liquors, as likewise on Shrub and all other Liquors whereof the greatest part are Spirrits of any Kind Imported in the Citty of New York within the time Limitted in this Act, shall be Calculated from the Accounts, which the Said Sworne Guager shall render of the Nett Contents thereof to the Treasurer,

AND the said Guager is hereby obliged and required from time to time to deliver such accounts together with the Names of the Vessels Masters and Importers of Such Liquors to the said Treasurer within fourteen Days after he shall have guaged the respective parcels thereof, And in Such guaging he is to doe Justice between the King and the Importer according to the best of his skill and understanding

AND WHEREAS masters or Commanders of Vessels often have some Remaines of wine or Distled Liquors Left of their Sea Store, when they, arrive into this Port which ought to be Duty free, if the Quantity is but small; BE it therefore Enacted by the same Authority that if such remaning sea stores as aforesaid do not Exceed the Quantity of ten Gallons of wine and ten Gallons of Rume or other distilled Liquors the same

shall be allowed to pass Free of Duty But for what such stores exceed the said Quantities, Duty shall be payd according to this Act

BE it further Enacted by the Authority aforesaid that of all European and East India goods to be Imported during the Continuance of this Act from the Brittish Islands in the West Indies, the Importers or the Persons Entring the same shall in their Respective Entries thereof Set downe and mention the real prime Cost of such goods and make oath before the Treasurer that Such Value is Bonafide according to the Invoice or Invoices sent to him her or them, or brought by him her or them from THE IsLand or IsLands such goods came, and that they believe Such Invoice or Invoices are real and True; AND if any disputes or Difference should arise about Such Value, the said Treasurer and the searcher of the Colony Dutys, are to nominate and appoint one Credible Merchant and the Importer an other, who are to appraise the same to the best of their Judgments and according to Such appraisement (which is to be done at the Sole Charge of the Importer) the aforesaid Duty is to be Calculated and pay'd, BE it further Enacted by the same Authority, that all Persons Importing Cacco during the Continuance of this Act, shall Enter the same with the Treasurer of this Colony before its being Landed and at the same time produce to him the respective Invoice or Invoices thereof; AND if thereby the Same appears to be in English weight, the aforesaid Duties is to be Computed in the Manner herein before directed, the tare being first Deducted, but if it so appears to be in Dutch weight the allowance herein beforementioned is to be Deducted as Likewise the Tare of the Casks sheroons or baggs wherein the Same is Contained and the said Duty is to be Computed, and payd accordingly, And all such percel or percels of Cacco of which no Invoice or Invoices, are produced, are to be weighed at the sole Charge of the Importer or the Persons Entring the Same So that the Clear and Net Duty thereof is to be payd to the said Treasurer, And it shall be LAWFULL for him to administer an oath to the Person or Persons Producing such Invoice or Invoices as aforesaid, that the same is or are real and True to the best of his or her knowledge, and Such of them as shall refuse to make Such oath, shall be obliged to weigh Such Cacco at his her or their Charge in Manner as above Mentioned. And for the Effectual Securing of the Several Duties Imposed by this Act, BE it further Enacted by the Authority aforesaid that the

Master Mate or Purser of every Ship or other Vessel which shall Come into any Port Harbour or Creek within this Colony to Trade or Traffick, shall repair to the Collector of his Majestys Customs in the said Colony, or to his Deputy and make report of the whole Loading of such ships or Vessel, and Depose that no Bulk has been broke before such report according to Law, and every merchant Factor or freighter having goods wares or merchandizes on board such Ship or Vessel are Likewise to make true Entries thereof to the said Collector or to his Deputy according to Law,

BE it also Enacted by the same Authority that every such master mate or Purser of Ships or Vessels so coming to Trade or Traffick in this Colony in manner as aforesaid and having on board all or any of the Commodities hereby made Dutyable to wit slaves wine Rume or other Distilled Liquors or shrub, Cacco or Dry goods from the aforesaid IsLands, shall likewise, repair to the Treasurer of this Colony within forty eight hours after his arrival into this Port, and make to him a full and true Report of ALL and Every parcel, and parcels of the said Dutyable Commodities so being Laden and on board such Ship or Vessel at her arrival in this Colony as aforesaid and to deliver an Exact and true Mannifest thereof, under his hand to the said Treasurer mentioning there in the Quantity of Such Dutyable goods and the Name and Names of the Person or Persons to whome the Same belong or are Consigned; and at the same time to take the following oath, to wit. I of the called the doe swear that this Mannifest is True, and that no more or other Slaves, wine, Rume or other Distilled Liquors, shrub Cacco or Dry goods from the Brittish IsLands were on board of the said Vessel then those mentioned in the said Mannifest at the time of her arrival within this Colony In which first Blank is to be put the name of the Person taking the said oath as also whether he be Master Mate or Purser. In the second Blank the Nature of the Vessel whether Ship Scow Brigganteen Scooner &c. and in the third the name of such Vessel, and to add thereto the name of the Place she Came last from

And to the end Vessels bound to or Intended for this Colony, which have on board any wine or Rum, belonging or Consigned to either of the neighbouring Colonies, may not be Discouraged from Coming directly hither; Be it Enacted by the Authority aforesaid that where the Case shall so happen, the Person

making report and delivering in a Mannifest of the whole Loading in the manner above mentioned is Distinctly to mention in the Said mannifest the Quantity and specy's of the wine or Rum bound elce where to gether with the Name or Names of the Person or Persons, as also of the Place and Places the same belong or are Consigned to, and at the same time to add in the oath above mentioned and I further Swear that for the goods in this Mannifest mentioned to be bound Elcewhere, I actualy Signed Bills of Loading for that purpose, at the Place I took them in, and the rum or wine So Sworne to shall and may Either be Carry'd in such Vessel to the Place such goods are Consigned or shipped for that purpose, in to an other. Provided the same be duly Entered, and oath made before the Treasurer by the Exporter, that such goods, are not designed or Intended to be Landed or brought back into this Colony, and all such wine or Rume as shall be so reported Entered and Sworne to as afore-said, and shipt off without Landing, shall be Free of the Duty Imposed by this Act, any thing therein to the Contrary notwithstanding

Be it further Enacted that if any master or Commander of any ship or other Vessel, coming to Trade and Traffick in this Colony, shall Land or put a shore in any manner whatever within the Limmits or Jurisdiction of the said Colony any of the before-mentioned Dutiable goods (except slaves attending on their masters or Mistresses) before such report is made and Such oath is taken as herein is directed every master or Commander So offending shall forfeit to his Majesty his heirs and Successors the sum of one hundred pounds Currant mony of this Colony one third whereof for Suport of his Government of the Said Colony, one other third to the Governour for the time being, and the other third part to the Person who shall sue for and prosecute the same to Effect by Bill Plaint or Information in any Court within this Colony, provided such suit be brought within six months next after such fact is comitted, and not at any time thereafter

BE it allso Enacted by the same Authority that if any merchant factor or others shall presume to Land or put on Shore any of the aforesaid Dutyable Goods before he or they duely Enter the same with the Treasurer, and pay or Secure to be paid unto him the Duty thereof according to this Act, all such Dutyable Goods so Landed or put on Shore (except Slaves attending on their master or Mistresses) shall be forfeited and be applyed Divided and Recovered as in the foregoing Clause is Directed

BE it further Enacted by the Authority aforesaid that after report and Entry is made in Manner before directed of any ship or Vessel coming to Trade in this Colony Every Merchant Factor or other Person having all or any of the before mentioned Dutyable Goods on board of Such Vessels, or some other Person in his or their behalfe shall make particular Entry of Such Goods to the Treasurer for the time being, and at the same time pay the Dutys thereof to him for the use herein beforementioned, And if Such Duty exceed the sum of Ten pounds he she or they so Entring or owning such goods, shall well and Sufficiently Secure the Same to be payd by Bills or Bonds payable within the space of three months from the Date of The Entry thereof, or on Demand, as the said Treasurer in his Discretion shall think fit and thereupon the said Treasurer shall give unto the Person so paying or securing the said Duty, a Certificate Gratis Directed to the Searcher of the Colony Duty that the Duties are payd or secured to be payd for Such goods according to this Act; after which all Such of the aforesaid Dutyable goods, as are so Certified, shall be permitted to be Landed and Housed without any manner of hindrance or Obstruction; but if any Person or Persons delay omitt or refuse to pay or Secure the said Duties in manner as aforesaid it shall then be Lawfull for the said Searcher to take and Detain so much of the said Goods and Commodities for which the Duty is so delayed omitted or refused to be secured as he shall Judge Sufficient to answer the whole Duty of that parcel; And if the Duty thereof shall not be payd within three months thereafter, it shall be Lawfull for the Said Searcher, by publick sale to dispose of the goods so Detained, and out of the produce Imediately to pay the nett Duty of Such percel to the Treasurer, and returne the over plush (if any) to the owner first Deducting out of the same the Charge of Sale, and all other Petty Charges

BE it further Enacted by the Authority aforesaid that if neither such Goods as aforesaid are detained for securing of the Duty thereof, nor the Persons Entring the same pay such duty within three months after the date of their Entry THE said Treasurer shall then and in either of such Cases be and hereby is fully Authorized Impowered and required to Cause Process to be made for the Dutys which shall have been owing or Indebted Longer then the aforesaid three months, against all and every Person or Persons who shall so stand in Debted for Duties Longer then the time above Limited, And he is hereby

likewise Impowered and required to Cause the like process to be made against all and every such Person and Persons as do or shall owe or stand in Debted for any Duties or arrears of Duties arisen or to arise by Virtue of the Act herein first mentioned, Longer then the time Limited in the said Act for the payment thereof, and in all suits at Law for Duties Imposed on Goods wares and Merchandizes by this, or any other Act or Acts of General Assembly, all Courts in this Colony are to allow the Entry or Entries to the Treasurer thereof, to be good and Sufficient Evidence in Law

And to the end the purposes aforesaid may not be defeated, BE it Declared and Enacted by the same Authority that the herein first Mentioned Act, and all other Acts of General Assembly whereby Duties or Imposition on goods Imported are or have been Layd, and whereon any such Duties or any arrears thereof are or may be Due and payable shall be and remaine of force so far onely as is or may be requisit to recover such Debts and arrears as aforesaid, the beforementioned repeal, or any other repeal or the Expiration of any such Acts to the Contrary in any wise notwithstanding

AND to prevent remisnes as well in the paying as in the Colecting of the aforesaid Duties or the arrears thereof; BE it Enacted by the same Authority That if the Said Treasurer shall not Cause such process, as aforesaid to be made against all Persons in arrear or Indebted for Duties arisen or to arise by Virtue of the Act herein first mentioned, on or before the first day of March next Ensuing; And for those to arise by Virtue of this Act within three months next after the Extent of the respective times thereby Limited for the payment thereof; all the said Duties, and arrears of Duties as he shall so omitt to Sue for shall be Deemed and Esteemed as Assists in his hands, and he shall in such Case be answerable for the Same accordingly; but for none put in suit within the times above Limited nor shall any thing herein Contained Debar the Treasurer from suing such Bills or Bonds payable on Demand as aforesaid, sooner than the time above Limited, if he shall see Cause for so doing; And to the end the said Treasurer in such Cases as aforesaid may not be Left, remediless; BE it Enacted by the same Authority that for all Such of the above mentioned Duties, and arrears of Duties as the said Treasurer shall omitt to sue for within the respective times above Limited, it shall and may be Lawfull for him, and he is hereby fully authorized and Impowered to

sue for the same at any time or times thereafter in his Majesties name; but at his owne Charge and Expence; and the mony to be recovered thereupon (being answered in the Manner above mentioned) is to be to and for his owne proper use and behoof

AND to the End Due Inspection may be had in the City of New York of the Goods hereby made Dutyable; BE it Enacted by the Authority aforesaid, that during the Continuance of the said Duties, all Masters of Vessels having Such Dutyable Goods aboard shall after report thereof is made to the Treasurer, in manner as aforesaid, acquaint the searcher or the Land and Tide waiter of the Colony Duties, at which of the wharffs or usual Landing Places he Intends to put such goods ashore, and if such master shall presume to Land them or any of them at any other place (unless by permission of either of the said officers) shall forfeit (tho the goods were duely Entered) the sum of five Pounds, to be recovered before any two or more aldermen of the said City, who are hereby Impowered and required to hear and Determine the same; one half of which forfeiture, is to be payd to the Treasurer for suport of this Government, and the other half to the officer that shall sue for and recover the same; Provided however that Slaves may be Landed at any other place or Places as soone as the Master has made report thereof to the Treasurer in the manner hereinbefore Directed.

And for Securing the Duty hereby Imposed on Rume or other Spirrits distilled wholly or in part of Molasses, Be it Enacted by the Authority aforesaid, that every of the present Distillers in this Colony, shall on or before the first day of December next Ensuing, and every other Person afterwards setting up the Trade of a Distiller shall WITHIN ten Days after his or their setting up the Occupation of Distilling in the said Colony, repair to the said Treasurer, and then and there Enter into Recognizance with sufficient suretys in the sume of fifty pounds Currant mony of this Colony Condition'd that he shall well and Truely pay unto the said Treasurer, at the end of every three months during the Continuance of this Act the Sume of two pence half penny in like mony for every Gallon of Rume, or other spirrits which he shall distill or Cause to be distilled wholly or in part from Molasses, and upon his or their so doing the said Treasurer is to give a Certificate thereof which shall be a Sufficent Lisence to such distiller to Continue or to follow the said occupation of Distilling; And all such Distillers as shall Distill Rume or other Spirrits wholly or in part from Molasses, and doe not Enter into

such Recognizance as aforesaid, shall forfeit unto his Majesty his heirs and Successors the Sum of fifty pounds to be recovered and applyd as other forfeitures are by this Act Directed to be recovered and applyd

BE it further Enacted by the Authority aforesaid that every of the above mentioned Distillers shall at the end of every three months after the date of the respective Recognizances hereby Directed to be Entred into, and so at the End of every three months thereafter during the Continuance of this Act; not onely deliver unto the said Treasurer a True account upon oath of the full Quantity of rume or Spirrits Distilled by them WHOLLY or in part of Molasses, but likewise pay the aforesaid Duty thereof to him at the Same time; who thereupon is to give to Such Distiller a receipt Gratis for the same; which shall be a sufficient Discharge for so much as shall therein be mentioned, and if any of the Accounts so directed to be delivered by Distillers upon oath as aforesaid, shall prove to be false and Short of the real Quantity Distilled by them respectively within any of the above mentioned three months; every Distiller or Distillers as shall be Convicted thereof, in any Court of Record shall forfeit the sume of fifty pounds for every such offence, to be recovered applyd and Divided in Manner as aforesaid AND WHEREAS trade and Navigation ought to meet with no more delays & Difficulties then what are absolutely necessary, as well for the despatch thereof as for the securing the several Dutys Imposed by this Act be it Enacted by the same Authority that the Treasurer of this Colony for the time being shall and is hereby fully Impowered Authorized and required to administer all or any of the oaths by this Act directed to be taken by masters, mates or Pursers of Vessels Importers of Dutiable Goods, and Distillers of Rume or other Spirrits as aforesaid for administring of which oaths no fee or reward is to be taken

BE it provided and Enacted by the Authority aforesaid that if any of the Goods made Dutiable by this Act, and for which the Duties have been actualy Payd, should be Exported out of this Colony, and afterwards returned to or be reimported, within the same, such goods, shall in such Case be free from the Duty hereby Imposed provided oath, is made to the Treasurer that the said Duty has been Actualy payd for Such goods, the time when, and in what Vessel and from what Place the same were first Imported into this Colony. AND to the End the Duties aforesaid, may be duely Secured and Collected in the District of the County

of Suffolk, BE it Enacted by the same Authority that Benjamin Youngs Esq'r the present officer of the Colony Duties in the district and County aforesaid, and in Case of his death or removal such other fit able and discrett Person Living or residing in the Town of South Hold as Shall be Commissionated for that purpose by the Governour and Council, untill another shall be appointed by the General Assembly for the same Purpose shall and hereby is fully Authorized Impowered directed and required to manage Secure and Receive the Several Duties hereby Imposed of all such Goods and Merchandizes as shall be Imported in the district or County aforesaid during the Continuance of this Act, & of all the Duties to arise in the said County and District by Virtue of this or the first mentioned Act, he is to keep true and Exact books, and every six months to Transmit true Coppys thereof to the said Treasurer, and at the Same time pay or Cause to be payd unto him all and every sum & sums of mony which he shall Receive by means of the Duties aforesaid; And the receipts thereof from the said Treasurer Shall be a Sufficient Discharge for so much, as shall there in be mentioned to be received

AND be it further Enacted by the Authority aforesaid, that in all Matters touching or relating to the said Duties in the County of Suffolk the officer aforesaid, shall in every respect, and to all intents and purposes whatsoever, have the same power and Authority to do perform and Execute all and Singular the powers duties and functions in the said County and district as in this Act is given to and required from the Treasurer and Searcher of the Colony Dutys for the Port of New York in as full and ample manner, as if the same powers Duties and functions were perticularly and at Large recited in this Clause and he is hereby required to Act accordingly and for the more regular and Effectual Collecting gathering and receiving the mony to arise within the said district by means of the Dutys aforesaid

BE it Enacted by the same Authority that all Masters Mates or Pursers of Vessells coming to trade or traffick there, and all Merchants factors and other Persons, whether acting for themselves or in behalf of others, as allso all Dutiable goods to be Landed or put ashore within the said district, shall be Subject to all the rules regulations and injunctions, and Liable to the same fines penalties and forfeitures as are herein before Enacted for the Port of New York as well under the management of the Treasurer of this Colony as under the Inspection of the Colony

searcher, as fully and Amply to all intents Constructions and purposes as if all the Clauses relating thereto were perticularly and at Large repeated in this Clause

BE it further Enacted by the same Authority that if an other officer should be Commissionated or appointed in the said County of Suffolk in manner and for the reasons aforesaid, he shall before he Enter upon the Execution of that office, give the same security and take the same oath as is in that behalfe Directed and prescribed in and by the said first mentioned Act, and after the doing thereof he shall have the same powers and Authorities, be Subject to the same Enjunctions and regulations, and Entitled to the same reward as are herein mentioned and directed for those purposes in behalf of the beforenamed Mr Youngs, And Whereas there neither is or like to be a fixed Guager in the said County, BE it Enacted by the Authority aforesaid that the officer for the time being in the said County shall appoint an Honest able Person to Guage all such shrub rum and other Distilled Liquors as shall be Imported within the said district, and that he first administer to him an oath that he shall well and truely Guage all such Casks of Liquor so imported there, and to return to him an Acco't of the Exact contents thereof for which Guaging the Importer or owner of such Liquors is to pay unto the said Guager the sum of Nine pence for each Cask And be it allso Enacted by the Same Authority, that all the fines penalties and forfeitures which may happen to become due within the said district, shall be recovered divided an applyd as hereinbefore is directed Provided allways and it is the true intent and meaning of this Act that all dutiable goods and Comodities which shall be Carried from the port of New York and of which the aforesaid Duties have been paid there, shall not be liable to any of the said duties in the County of Suffolk.

AND be it also Enacted by the Authority aforesaid that it shall and may be Lawfull for the said officer in suffolk County, to retain in his hands the sum of two Shillings on every pound, he shall receive by Virtue of this Act, and pay unto the Treasurer of this Colony in pursuance thereof as a reward for the services hereby directed to be performed by him

BE it further Enacted by the Authority aforesaid that all the severall Sum or Sums of mony which shall arise by the Duties hereinbeforementioned, shall be paid unto Abraham De Peyster Esq'r the present Treasurer of this Colony (or to the Treasurer thereof for the time being) who is hereby Authorized and Impow-

ered to receive the same, and all receipts to be past by him for that purpose, shall be good and Effectual in Law to the Person or Persons paying Such sum or sums of mony as aforesaid for so much as shall there in be mentioned and Exprest to be received.

BE it Enacted by the Authority aforesaid that all the mony herein before applyd to and for supporting his Majestys Government in this Colony shall be paid and Issued by the Said Treasurer for that use to Such Person or Persons and in such manner as he shall from time to time be directed by warrant or warrants to be passed in Council under the hand and Seal of his Excellency the Governour of this Colony, which warrants being Endorsed, by the Persons to whome they are made payable, shall be a good and Sufficient discharge in Law to the said Treasurer for so much as shall be Expressed therein, and to the End the Treasurer may at all times know what warrants are so drawn as aforesaid, the Clerk or Deputy Clerk of the Council is hereby directed and required Imediately after the Draught thereof to Signifie under his hand to the Treasurer the name and names of the Person and Persons to whome the same are made payable together with the sum and Number thereof which said warrants are by the said Treasurer to be paid in Course according to their Number, And altho there is good Ground to Conclude that the Provision made in this Act is Sufficient to suport his Majestys Government in and over this Colony during the time therein mentioned, BE it never the Less Enacted by the Authority aforesaid that if any Difficiency should happen therein on the first Day of September which will be in the Year one thousand seven hundred and thirty seven or at any time before, the same shall be Suplyed and made Good BY the General Assembly by such ways and means as they shall then Conceive least burthensom to the People or to the Trade of the said Colony. And that if there be any Surplus in the Said Suport at the time above mentioned, the same shall be Employed to and for the future suport of the said Government, and to and for no other use or purpose whatsoever

And be it further Enacted by the Authority aforesaid, that of all and every the sum and Sums of mony which the said Treasurer shall receive and pay by Virtue of this Act, he shall Keep Exact and distinct Books of Accounts and render Accounts, thereof upon oath to the Governour for the time being, the

Council, and the General Assembly when by them or any of them there unto required

BE it also Enacted by the Authority aforesaid that in Consideration of the Constant attendance and trouble of the said Treasurer, in taking reports of Matters Entries from Merchants administering oaths, and giving Certificates and receipts gratis in the manner herein directed it shall & may be Lawfull to and for the said Treasurer to retain in his own hands out of all the Moneys which he shall receive and pay by means of the several Duties Imposed by this Act five pounds for every hundred pounds and after that rate for a greater or Lesser sum, as a reward for his Services therein, and for Keeping books, and rendering Accounts in the manner Herein before directed, And whereas the business of the Treasury requires a Constant Attendance for the dispatch of the affaires of Masters Merchants and other Persons, and for as much as it may so happen that the Treasurer should be either Indisposed or out of Town upon Extraordinary occasions whereby Trade and Navigation might be Delayd for prevention whereof; Be it Enacted by the Authority aforesaid, that it shall and may be Lawfull for the said Treasurer from time to time to Constitute a Deputy under him, who thereupon shall have the same Powers and Authorityes to transact the affairs of the Treasury as are hereby given to the Treasurer himself

Always Provided that the said Treasurer shall be answerable and Accountable for all and every Act to be done by virtue of such deputation, in the Same Manner as if such Act was done by himself

And Whereas in and by an Act Entituled an Act for paying and discharging several Debts due from this Colony to the Persons therein named, and, for raising and putting into the hands of the Treasurer of this Colony several Quantities of Plate, to be applyed to the Publick and Necessary uses of this Colony, and to make bills of Credit to the Value of forty one thousand five hundred and Seventeen ounces and a half of Plate for that purpose passed in the fourth year of his Late Majesties Reign, there was Given and Granted unto his Majesty his Heirs and Successors to and for the payment of the several Debts there in Mentioned and for Sinking the Bills of Credit thereby made Current in this Colony, for the term of seventeen years, the Duty of one ounce, and a quarter of Sevil Pillar or Mexico Plate for every pipe of wine Imported in this Colony, and in that propor-

tion for a Greater or Lesser quantity: as also two Grains and a half of like plate for every Gallon of rum Brandy or other Distilled liquors imported into the said Colony as in and by the said Act relation being thereunto had may more at Large appear AND WHEREAS in the said Act provision is only made for Securing those two duties in the port of New York, and it being reasonable the same Should likewise be secured in the County of Suffolk, Be it Enacted by the same Authority that the officer who for the time being is to Secure the Colony Dutys in the said County shall have full power and Authority, and hereby is required to secure Collect and receive all and every sum and sums of money which shall be Come due and Payable by means of the said two duties on the wine and rum which have been or Shall be Imported within the aforesaid district during the Continuance of this Act, and that he shall not only Keep distinct books thereof but likewise pay the mony to arise thereby, and render Accounts of the same every six Months unto the Treasurer of this Colony for the time being and it shall and may be Lawfull for him to retain for his own use two shillings on every pound which he shall receive by means of the said two duties and pay to the said Treasurer as a reward for his Care and trouble therein, and the said Treasurer is to Employ the money so to be paid unto him for the said two duties as in and by the Last mentioned Act is directed, and to and for no other use or purpose whatsoever.

And WHEREAS three Slaves, being run away from one John Wall in Virginia were taken up by our Indians and brought into the Mohauks Country and there detained by them untill the said Mr Wall was at the Expence to Travel from Virginia to Albany and to pay a Large reward for the taking up of the said Slaves who after all that Charge refusing to returne Home on any account what ever, Layd the said Mr Wall under the Necessity of selling them at Albany, and to give Security for the Duty thereof, In Consideration of all which, and be Cause the said Slaves came into this Colony, and were sold in it Contrary to his Inclination

BE it Enacted by the Authority aforesaid that the Duties of the said three Slaves shall be and hereby are remitted for the Bennifit of the said Mr Wall And the Surities bound for the payment thereof, shall be and hereby are fully and absolutely acquitted released and Discharged therefrom Accordingly

[CHAPTER 592.]

[Chapter 592, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 380. Continued by chapter 630.]

An Act to Discharge the Several Demands on the Trading House at Oswego, To Support his Majesties Troops posted there, to regulate the Indian Trade, to prevent Abuses in the Same, And for other purposes therein contained.

[Passed, October 14, 1732.]

WHEREAS the Indian Trade carried on at Oswego is by constant Experience found to be of great Advantage to this Colony and that the laying the Same under such Regulations as may prevent any Impositions and Abuses therein will not only Continue and preserve that Advantage but probably increase that Beneficial Branch of it with the Remote Nations Now to the End that the Credit of the Trading House at Oswego may be effectually supported and the Demands thereon Duely discharged. BE IT ENACTED by his Excellency the Governour the Councill and Generall Assembly AND IT IS HEREBY ENACTED by the Authority of the Same that for the effectual and speedy payment of the sum of Eight hundred and Twenty five pounds one Shilling and two pence half peney which at the passing of this Act is found to be due and owing from the Said Trading House (Except the money formerly borrowed of the Excise) to the Several persons and in Such Manner and proportion as hereinafter is particularly mentioned that Mess^{rs} Rutger Bleaker John De Peyster and Derick Ten Brock late Commissioner, for Collecting THE Duties laid by a Repealed Act Entituled an Act for Defraying the Cost and Contingent Charges of the Trading House Erected at Oswego and the maintaining it During the time there in mentioned for applying Several fonds and Borrowing a certain sum out of the Excise for that purpose for the Effectual recovery of former fines and forfeitures for Continuing the Different Duties on Indian Goods during the time therein mentioned and for making good the money so to be Borrowed of the Excise passed in the first Year of his Present Majesties Reign, some or One of them, Some or One of their Executors Administrators or Assigns Shall on or before the first Day of Febru'y next pay or Cause to be paid into the Hands of the Treasurer of this Colony for the

time being the full Sum of fifty three pounds fourteen Shillings Current money of this Colony now appearing to be Due owing and remaining unpaid in their Hands to be applied and disposed of as hereinafter is Directed (their Lawfull Commissions being first Deducted) under the penalty and forfeiture of Double the Sum which Shall remain unpaid into the Treasury at the time aforesaid and for the better and more Speedy Recovery of the Same Be it Enacted by the Authority aforesaid that if the Said whole Sume of fifty three pounds fourteen Shillings (the Comissions aforesaid being first Deducted) or any part thereof be unpaid at the time limited as aforesaid According to the True Intent and meaning of this Act that the said Treasurer of this Colony Shall and is hereby authorized impowered and Required Immediately to Sue and prosecute the said Rutger Bleaker John De Peyster and Derick Ten Brook or any One of them or any One of their Heires Executors or Administrators for the Recovery of the said penalty of Double the sum as aforesaid by Bill plaint or Information in any of his Majestys Courts of Record in this Colony which said penalty or Forfeiture when so recovered (the said Commissions first Deducted) shall be applied and disposed of for the Benefit of the said Trading House at Oswego as in this Act is hereinafter perticularly ordered and directed, AND WHEREAS by the Aforesaid Act it was amongst other things Enacted that the several persons obtaining Licences to go a Trading with the Indians or French Should first enter into Recognizances to our Soverign Lord the King to pay the Duties imposed by that Act by which means several Recognizances were from time to time entered into amounting to Considerable Sums of money AND WHEREAS there Remains still in the Hands of the above Named Rutger Bleaker John Depeyster and Derick TenBrook Several Such undischarged Recognizances amounting in the whole to the Sum of Ninety one pounds thirteen Shillings Current money of this Colony BE IT THEREFORE ENACTED by the Authority aforesaid that the said Rutger Bleaker John DePeyster and Derick Tenbrook or any One of them are hereby Authorized and Impowered enjoined directed and Required immediately after publication of this Act to ask and Demand payment of the money due on the Said Several Recognizances AND on Refusal in his Majesties Name to Sue and Prosecute for the Same in any of his Majesties Courts of Record in this Colony by Bill plaint or Information, and on Receipt or Recovery thereof their lawfull Commissions being

first by them retained and Deducted to pay the Same immediately into the Hands of the Treasurer of this Colony to be Applied to the Use and Benifit of the Trading House as Aforesaid and if the Said Rutger Bleeker John De Peyster and Derick Ten Brook Some or one of them shall refuse neglect or Delay to ask and Demand payment as aforesaid or Shall Refuse neglect or Delay on Refusal of payment within Sixty Days after the Publication of this Act in his Majesties Name to put in Suit or prosecution the Said Several Recognizances and pursue the Same with Effect that they Shall severally forfeit the sum of thirty five pounds to be sued for by the Said Treasurer of this Colony who is hereby impowered and required to Sue for the Same in any of his Majesties Courts of Record within this Colony by Bill Plaint or Information which penalty when recovered Shall be applied to the Benifit of the Trading House as aforesaid.

AND WHEREAS, Philip Livingston Esqr Mess'rs Stephenus Groesbeek John De Peyster Hans Hanson Cornelius Cuyler and Derick Ten Brook late Farmers of the Duties on Indian Goods have also in their Hands Several Such undischarged Recognizances as appears by their account Dated the Twenty Eight of August One Thousand Seven Hundred and Twenty Eight amounting in the whole to the Sum of One hundred and twenty three pounds two Shillings and Eight pence farthing Current money of this Colony BE IT ALSO ENACTED by the Authority aforesaid that the Said Phillip Livingston Stephenus Groesbeek John DePeyster Hans Hansan Cornelius Cuyler and Derick Ten Brook or any One of them are hereby Authorized empowered enjoined directed and Required immeadiately after the Publication of this Act to ask and Demand payment of the money due on the Said Several Recognizances and on Refusal to sue and prosecute the several Persons so bound in the said Recognizances in any of his Majesties Courts of Record of this Colony by Bill plaint or Information and on recovery of the same to pay the Same immediately into the Hands of the Said Treasurer of this Colony to be applied and disposed of for the Benifit of the said Trading House as hereinafter is also perticularly directed under the like penalty and prosecution and in manner and forme last above mentioned,

AND WHEREAS, it appears that there were some Battoes Bags paddles Stetting Poles and other Instruments and Utensils of that Kind properly belonging to and prepared and furnished

for the Use and Benifit of the Said Trading House at Oswego and made Use of and employed by Mr Harmanus Wandle during the time of his being under a Contract for Victualing the Troops at oswego and which were not at the time of his Death accounted For by him nor have Since been accounted for by his Heires Execut'rs or Administrators AND WHEREAS, there are Likewise other Battoes Bags paddles Setting poles and other Instruments and Utensiles of that Kind that had been before and have been Since from time to time prepared and furnished by proper Persons appointed for that purpose for the Use and Benefit of the Said Trading House at Oswego of which no Account hath been Rendered BE IT ENACTED by the Authority aforesaid that Jacob Glen and Robert Saunders be and hereby are appointed Commissioners and shall be and hereby are fully Authorized impowered directed and Required to inspect search inquire find out and Discover what Battoes Bags paddles Setting poles Instruments Utensils or other things of what Nature or Kind so ever belonging to or were prepared and furnished for the Use and Benefit of the Said Trading House at Oswego which the Said Mr Wandel in his Life Time had made Use of and employed and were not at the time of his Death nor at any time since have been Accounted for and to ask Demand and require the same or satisfaction for the same and upon Refusal the said Commissioners are hereby enjoined ordered and directed immeadiately after Such Refusal to sue and prosecute the person so accountable for the Same in any of his Majesties Courts of Record within this Colony by Bill plaint or Information in order to Recover the same or payment or satisfaction for the same And also inspect search inquire find out and discover what other Battoes Bags paddles Setting poles Instruments Utensiles and other things of what Nature or Kind soever belong to the Said Trading House where they lie or are Lodged and in whose Hands Custody or possession they are and upon such Discovery the Said Commissioners or either of them are hereby Authorized Impowered and required immediately to make a Demand thereof and take the same into there Hands Custody or possession and upon Refusal they or one of them to Issue their Warrants unto the Constable or Constables of the Town or District where the Same Shall be found in order to make Distress or Distresses of the same and the said Constable or Constables are hereby Required and Strictly charged to Execute such Warrant or Warrants and to attend upon the Said Commissioners when and as

often as they shall be required for the better Executing the power given them by this Act under the penalty of three pounds to be sued for and recovered One half to the person who shall sue for the same and the other half to the Use of the Said Trading House AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners be and hereby are fully Authorized impowered directed and Required from and immediately after their receiving and taking into their possession the aforesaid Battoes Bags paddles setting poles Instruments Utensils and other things belonging to the said Trading House or any of them to sell or dispose of the same to the best advantage And the said Commissioners and Each of them are hereby enjoined and required from time to time when and as often as any money SHALL be paid into their Hands by the Representatives of the Said Mr Wandle or arising from the sale of the Several things above mentioned that they shall immediately after the Receipt of such sum or sums of money transmit and pay the same (all reasonable Expences Charges and Commissions being first deducted) into the Hands of the said Treasurer of this Colony to be applied and disposed of for the Benefit of the said Trading House as Aforesaid,

AND WHEREAS by an Act (Intituled an Act to defray the Charge of Victualing his Majesties Troops posted at Oswego and for the other purposes therein mentioned) passed in the fourth Year of his present Majesties Reign it was amongst other things Enacted that a Tax of three Shillings Current money of this Colony Should be paid by every Inhabitant as should wear a Wigg to and for the Victualing the Troops at Oswego and for defraying the Contingencies attending the Same as by the said Act may more fully and at large appear AND WHEREAS by one other Act (Intituled An Act to Support the Troops at Oswego and to regulate the Indian Trade there) passed in the fifth year of His said present Majesties Reign diverse Duties and Impositions were laid upon Strouds and rum in order to defray the Cost and Expence of supporting the Trading House at Oswego to Victual the Troops posted there and to defray the Contingencies attending the same to the first Day of August now last passed And WHEREAS, It is by this present General Assembly Deemed proper and Necessary that not only the money arisen or to arise by Virtue of the Last mentioned Act as also the unissued Money raised by the Wig Tax mentioned in the above said other Act but also the several abovementioned Sums meant and

intended to be paid into the Said Treasurers Hands of this Colony or to be sued for and recovered and then to be transmitted into the Hands of the said Treasurer of this Colony in such manner and form as if it were here again particularly repeated and Expressed shall with all convenient speed, be applied for and towards the paying of and discharging the above mentioned sum of Eight hundred and twenty five pounds one Shilling and two pence half peney so due and owing from the Said trading House at Oswego as aforesaid and in the Course and order as hereinafter is particularly Expressed (that is to say)

To the Executrix of Hermanus Wendel in Sevill piller or Mexico plate or Bills of Credit made Current in this Colony for Victualing the Troops till the first day of August last foure hundred and Six pounds.

To Charles Keer for a Years Sallary as Doctor forty pounds,

To David Abraham Schuyler for his Service as Commissary during the Trading Season this year fifty pounds,

To Joseph Clement for shingling the said House and other services there Sixty pounds

To Rip Van Dam Esq'r for Eight barrells of Pork Rum Sugar &c. sent for the Troops this summer forty Six pounds thirteen shillings and Ten pence half penney

To Phillip Livingston Esq'r for Building Battoes and Sending Meal pease and other necessarys for the said Troops one hundred Sixty Six pounds five Shillings and Six pence,

To Johannes Lansing and Jeremiah Van Ranslaer for transporting Cap't Butler to Oswego &c Nineteen pounds Ninteen Shillings and three pence,

To Abraham Cuyler paid an Indian for bringing a Letter from Oswego four pounds two Shillings,

To Thomas Braines for an account of ninety two pounds and Ten pence half penney of which there has been provided in an Act passed ano One Thousand Seven Hundred and twenty Nine the sum of thirteen pounds six Shillings and Eight pence besides which allowed him more in full of said Account Sixteen pounds thirteen shillings and foure pence.

To Garret Van Benthuyssen for Passage of Soldiers three pounds six shillings and to the Administrator of his late Excellency John Montgomerie Esq'r for the passage of Soldiers paid by him Vizt,

To Coonraet Ten Eyk Seven pounds Seventeen Shillings and three pence

To Jeremiah Van Ranslaer Deceased two pounds two Shillings,
And to Jacob Vissen two pounds two Shillings, in all twelve pounds one Shilling and three pence, All Which Articles amount in ye whole to Eight hundred Twenty five pounds one shilling and two pence half penney,

AND WHEREAS the Said money arisen or to arise by Virtue of the above mentioned Act passed in the fifth Year of His said present Majesties Reign as also the unissued Money raised by the said Tax on Wigs by Virtue of the beforementioned act passed in the fourth year of his said Present Majesties Reign together with all other the sum and Sums of money meant and intended and hereby ordered and directed to be paid into the Treasury of this Colony in manner and forme and under the several penalties and prosecutions and for the purposes aforesaid may happen to fall short and be deficient to pay off and discharge the above mention'd Sum of Eight hundred twenty five pounds one Shilling and two pence half penney so Due and owing from the said Trading House at Oswego as aforesaid Be it THEREFORE ENACTED by the Authority aforesaid that for the better and more certain Discovery and that it may clearly and plainly appear what the Ballance and Deficiency is in Order to make good and properly to Supply the same the persons herein after by this Act to be nominated and appointed Commissioners of the Duty of Indian goods and Rum Shall Be and hereby are Authorized Impowered Enjoyned directed & required on or before the first Day of March Next Ensuing to State an Account in Writing in the manner following (that is to Say) on the Debttor side of the said Account to set down and charge ye said Sum of Eight hundred twenty five pounds one Shilling and two pence half penney so appearing to be due and owing from the said Trading House at Oswego as aforesaid And on the Credit side to set down and give a plain true and particular Account what Sum or Sums of money have been then paid towards the Discharge of the said Eight hundred twenty five Pounds one shilling and two pence half penney what there Remaines in the Treasury and what other Sum or Sums Recognizances or other Securities are in Arrear or remaine in the Hands of any person or persons whatsoever which by force and Virtue of this Act is meant & intended and hereby ordered and directed to be paid into the said Treasury of this Colony or appropriated and to be applied for and towards the discharging and paying off the above mentioned sum of Eight hundred twenty five pounds

one Shilling and two pence half penny as aforesaid in order to discover what Deficiency may happen in the first year Which said Account so stated and settled the said Commissioners are hereby enjoined directed and required to sign and deliver to the Mayor or Recorder of the City of Albany for the time being and the said Mayor Recorder and Aldermen of the said City of Albany and the Justices of the peace residing in the Township of Schenectady or the greater number of them the Mayor or Recorder allways to be one are hereby enjoined directed and required within Ten days after the Receipt of the said Account so signed by the Commissioners as aforesaid to meet and assembly together at the City Hall of the said City and being so Assembled are then and there to assess all and every the person and persons trading or reputed to Trade or to be Dealers Traffickers or Traders with the Indians at Oswego or to the Westward thereof as Likewise to Oneydas Cajouga Tuscarora Onondago or Sinekies during the Continuance of this Act in Such Sum & Sums of Money as shall make good such Said Difficiency and to make out an Assessment thereof accordingly; The Said Mayor Recorder and Aldermen and Justices of the Peace aforesaid or the greater Number of them then and there Assembled the Mayor or Recorder to be one, having first taken an Oath on the Holy Evangelist that they Shall well and Truly equally and impartially assess the Severall persons hereby made taxable, according to and in proportion of their said Trade according to the best of their skill Judgment and understanding, which Oath any two of the said Aldermen then assembled are first to administer to the said Mayor and Recorder who are then to administer the same to the other aldermen and Justices of the Peace then present AND for the due and effectual collecting of the Assessment to be made in manner aforesaid the Said Mayor Recorder Aldermen and Justices are hereby impowered and required then and there to Appoint Two fit Persons for collecting the Several sum and sums of mony off and from every person and persons so to be taxed and assessed as aforesaid (that is to say) One collector to reside and be at the said City of Albany, and One at schenectady and they are hereby further impowered and required to give a Warrant or Warrants under there Hands and Seales to the persons to be by them appointed Collectors requiring charging and Commanding them severally to Collect from all and every such person and persons named in such Assessments the respective sums they are therein

assessed and and rated at AND it shall and may be lawfull for the Said Mayor Recorder Aldermen and Justices to add to their said Assessment and Warrant Over and above the said sum to make up the said Deficiency on every pound which the said Collectors shall so Collect, as aforeaid the sum of Nine pence which Said Nine pence in the pound is hereby allowed to the Said Collectors for their Trouble in collecting and transmitting the same into the hands of the Treasurer of this Colony, which they are hereby Enjoyned to do within fourty days after the Date of the Said Warrants

AND BE IT FURTHER ENACTED by the authority aforesaid that if any of ye Person or persons by this act made taxable for the end therein directed shall refuse neglect or delay to make payment on demand of the sum or sums of money he or they by the aforesaid assessment is or are rated to pay, it shall and may be lawfull to and for such Collectors to make Distress or Distresses on the goods and Chattles of Such person or Persons so refusing neglecting or delaying to make payment as aforesaid and the Distress or Distresses so taken to keep the space of Eight days at the cost and Charges of the Owner or Owners thereof And of Such of the Said Owners as shall not pay the Sum or sums distrained for, within the said Eight days then the Said Distress is to be publickly sold by the said Collector to whom the Warrant was given for payment of the said Money, and the Overplus Arising by such sale (if any) after Deduction of the Tax and the Charge of Taking Keeping and Selling the Distress, is immediately to be restored to the Owner thereof AND in Case no Distress or Distresses shall be found that then such person or persons so refusing neglecting or delaying to make payment as aforesaid, shall by Warrant under the Hand and Seale of the Mayor Recorder or any Justice of the peace be comitted to ye Comon Goal of the Said County there to remaine without Bail or Mainprize untill he or they shall have paid the same or Given sufficient security for the due payment of the same within Eight days after such security so entered into as aforesaid.

AND BE IT FURTHER ENACTED by the authority aforesaid that if the before named Mayor Recorder Aldermen and Justices for the time being do and shall refuse deney or neglect to put this Act in Execution during the Continuance of it, according to ye true Intent and meaning thereof and the Directions given and Orders herein enjoined Every such Mayor Recorder

Aldermen and Justice refusing neglecting or delaying The same shall forfeit Ten pounds Each Current money of this Colony which forfeitures from time to time shall and may be sued for and recovered of and from every of the said Persons so in fault by any person or persons whatsoever in any of his Majesties Courts of Record in this Colony by Bill Plaint or Information One half of which forfeitures shall go and be paid to and for the use of the person or persons so suing for the Same to Effect and the other half to and for the use of the Trading House as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the Collector or Collectors to be appointed in manner aforesaid shall deny neglect or Delay to make Collection of the money which he or they shall be ordered by the said Warrant or Warrants to Collect, Or deny neglect or delay to transmit such money to the Treasurer in Manner and within the respective times here in before mentioned first deducting and retaining to himself his lawfull allowance for Collecting and receiving the same, every such collector or collectors so failing in his said Duty and being there of Convicted before any two Justices of the peace of the said City or County shall by Warrant under the Hands and seales of such Justices be committed to the common Gaol of the Said County there to remain without Bail or Mainprize until he or they shall make Fine and Ransom for such Default and contempt, And the said two Justices or any other two Justices of the peace within that County are hereby fully empowered to here and Determine such Complaints, and to Issue such Warrant or Warrants as aforesaid,

AND WHEREAS the contract made and entered into by the General Assembly with Mr Harmanus Wendel late of Albany Merchant Dece'd in the year One thousand Seven hundred and twenty nine whereby the said Mr Wandel did undertake for the terme of three years then next to Victual his Majesties Troops Posted or to be posted at the Trading House at Oswego and to furnish Sundry Stores there, and to pay the Contingencies attending the same at his proper Cost and Charge whilst the same subsisted did fulley answer all the ends and purposes expected thereby AND WHEREAS the said Contract and every matter and thing relating thereto expired ended and determined and is hereby declared to have expired ended and determined the first day of August now last past AND WHEREAS this present General Assembly (perceiving the good effect of the said

Contract whilst it did subsist) have made a Contract and agreement to and with Cap't John De Peyster Cap't John Schuyler and Capt Johan Jurie Cast to Victual his Majesties Troops at Oswego in the same manner as the said Hermanus Wendel dece'd had done and to furnish and performe at their Own Cost and Charge all the other Matters and services which the said Wandel was obliged to do, for the Terme of three Years to Commence from the first day of November next after the rate of foure hundred and fifty Six pounds p Ann'm payable half yearly out of the funds for That purpose appointed raised and appropriated BE IT THEREFORE ENACTED by the Authority aforesaid that every article Clause matter and thing mentioned to be performed on the part and behalf of the said Hermanus Wendel in the said Contract made with him And also every Article Clause Matter and thing mentioned to be performed on the part and behalf of the said General Assembly so Contracting with the said Wandel And all payments Advantages savings provisions Aids assistances and all other Matters and things meant and intended to be performed for the safety and Just performãce of the said undertaking with the said Mr Wendel and perticularly and at large Set forth and exprest in a repealed Act (Intituled An Act for Continuing and enforcing the Acts therein mentioned for discharging the present Demands on the Trading House at Oswego by Borrowing money of the Excise for the Effectual support of it untill the twenty fifth Decemb'r One thousand Seven hundred and thirty three for Continuing some Duties and augmenting others untill that time; for regulating those Duties and the Trade at Oswego for the gradual repayment of Money borrowed of the Excise; and for Reducing former fines if voluntarily paid within the time therein limited) passed in the third Year of his present Majesties Reign and which Contract was again confirmed by several Acts passed in the fourth and fifth Years of his said Majesties Reign shall be and hereby is declared To be Enjoned required and obliged to be fulfilled and performed as well on the part and behalf of the said John De Peyster John Schuyler Johan Jurie Cast their Heires Executors & Administrators from the first Day of November in this Present Year One thousand seven hundred and thirty-two untill the first day of November which will be in the year One thousand seven hundred and thirty five, as on the part and behalf of the said General Assembly in as full and ample Manner, to all intents purposes and Constructions whatsoever as if the said Contract

and all Matters and things relating thereunto between the said General Assembly and the Said Mr Wendel had been fully and at large inserted in the Body of this Act excepting so much thereof as by this Act or any Clause therein Contained is or shall be hereinafter altered or otherwise provided for,

AND WHEREAS, by the said Act passed in the fifth year of his Majesties Reign (Intituled an Act to support the Troops at Oswego and to regulate the Indian Trade there) there was given and granted to his Majesty his Heires and Successors to and for Defraying the Cost and Expence of supporting the Trading House at Oswego to Victual the Troops posted or to be posted in it and to defray the Contingencies attending the same from the first of August one thousand seven hundred and thirty One to the first of Aug't in ye present year One thousand Seven hundred and thirty two Certain Duties and Impositions laid and Imposed upon strouds and rum as in and by the said Act Relation being thereunto had will more fully and at large Appear AND WHEREAS the Duties so laid the Manner of Appropriating the money arising thereby the method of Securing the payment thereof the forfeitures and punishments it laid on Defaulters and Offenders under the Encouragements and rewards it provided for the Commissioners and other officers mentioned and employed there in And all other the good and Necessary Regulations that have been established thereby hath also fully answered the Ends and purposes Expected from it BE IT ENACTED by the Authority aforesaid that the Duties laid and imposed on Strouds and rum by Virtue of the said last mentioned Act and every article Clause Matter and thing for the Collecting paying managing and due Regulation of the same shall be Continued and they are hereby Continued And every Clause Matter and thing thereby and therein enacted shall be and are hereby Continued to the first Day of November which will be in the Year of Oure Lord Christ One thousand seven hundred and thirty five in as full and ample Manner to all intents Purposes and Constructions whatsoever as if they were again at large incerted in the Body of this Act excepting so much thereof as by this Act or any Clause therein Contained is or shall be hereinafter altered or otherwise provided for, which said Duties and Impositions hereby mentioned are Hereby given and granted to his Majesty his Heires and Successors to and for supporting the Trading House at Oswego Victualing his Majesties Troops there and Discharging all other Cost Charges and Incidents annually

Requisite for supporting the said House and Troops during the terme aforesad and to and for no other Use intent or purpose whatsoever,

AND for ye Effectual securing of the Duties Imposed and Continued by this Act on Strouds and rum and to prevent the Eluding thereof BE IT ENACTED by the Authority aforesaid y't all persons sending carrying or transporting the said goods or either of them to Oswego shall besides Enttring into Recognizance for the Duty thereof take a Certificate from the Commissioners of the said Duties or their Deputys that the Duty is secured of the several Quantitys and species to be mentioned therein which Certificate the Said Commissioners or their Deputy is hereby required to give, which Certificate or Certificates are to be produced and Delivered to the Comissary or to the Commanding Officer at Oswego for the time being and if any Trader or any other person shall presume to Carry any of the aforesaid goods without such Certificate or more Then shall be mentioned therein the same shall be forfeited to his Majesty his Heires and Sucessors one half thereof for the Benefit of the said Comissary or Commanding Officer or any other person that shall seize the same and the other half to and for the Use of the said Trading House at Oswego and it shall be lawfull to and for them or Either of them to make Seizure Accordingly and to dispose of the Goods so seized for the Use above mentioned,

AND BE IT FURTHER ENACTED by the Authority aforesaid that out of the money to arise by Virtue of this Act and the Continuation of the last mentioned Act the sum of five hundred and seventy six pounds shall be annually paid and applied for the terme of three years from the first Day of November next to the first Day of November which shall be in the year One Thousand seven hundred and thirty five for the Use and purposes above said in the manner hereinafter mentioned (that is to say)

To Mess'rs De Peyster Schuyler and Cast on the performance of the aforesaid Contract the Annual sum of foure hundred and fifty six pounds to be paid at two Equal half yearly payments,

To a Doctor to reside and attend on the Troops at Oswego p ann'm a sum not exceeding the sum of forty Pounds,

To the Doctor for Medicines for Each year not Exceeding the sum of ten Pounds,

To sundry Incidents a sum not Exceeding the sum of Twenty pounds

To a Commissary for Inspecting and Regulating the Trade and Traders at Oswego during the Trading season there not less then four months, between the Months of april and August fifty pounds, which Several Articles amount in all to five hundred and Seventy Six pounds,

PROVIDED ALWAYS and be it hereby Enacted by the Authority aforesaid that in Case the money to arise by Virtue of this Act or Continuation of the former Act should fall Short and be defecient to support the annual Expence pursuant to the several Articles last above mentioned amounting in the whole to the said sum of five hundred and seventy six pounds as also the Cost of two horses not to Exceed the sum of six pounds Each to be sent up this fall by the Commissioners Of the Duties hereinafter Named for the drawing of firewood and other Services for the said Trading House together with Traces and Collers and the Charge of Carrying of them thither and likewise the Charge of Provisions and Transportation a Serjeant and six Soldiers in Case his Excellency shall think fitt to send them there and likewise to Compleat the shingling of the aforesaid House that then and in such Case it shall and may be lawfull to and for the persons hereinafter to be nominated and appointed Commissioners of the Duties on Indian goods and rum and they are hereby Authorized impowered enjoined directed and required on or before the first Day of October next Ensuing and so Every first Day of October yearly and every year during the Continuance Of this Act to state an Exact plain distinct and perticular Account in Writing by way of Debter and Creditor by which it may then plainly and fully appear what and how much is the Ballance Short on the years Deficiency to make up the said sum of five hundred and seventy Six pounds with such Extra Charges as shall be absolutely necessary as aforesaid which said Account so stated Settled and Ballanced the said Commissioners are hereby enjoined directed and required on or before every Tenth Day of October yearly and every year during the Continuance of this Act to sign and deliver in Writing, to the Mayor or Recorder of the said City of Albany in Order to make yearly assessment or Assessments (as often as Occasion shall require) to appoint Collectors and raise Money to pay of and Discharge such yearly Deficiency if any there shall be And the aforesaid Commissioners Mayor Recorder Aldermen Justices Collectors and Constables are in all things relating to them either or any of them respect-

ively to persue observe and perform All and Singular the Directions and have the same Powers and Authoritys as are given enjoyned and required of them and each of them respectively in & by the Clause and Clauses in this Act before particularly mentioned & expressed for the making good the present deficiencies & Demands on the said Trading House If any there shall be,

AND BE IT ENACTED by the authority aforesaid that John De Peyster and John Schuyler shall be and hereby are appointed Commissioners for managing securing and collecting the Duties above mentioned by this Act and for the effectual doing thereof they are hereby fully authorized to have the Same powers and be subject to the same Restrictions do the same Duties have the same Rewards take the same Oath and give the same security before the Mayor or Recorder of the said City of Albany and to act and do all other things as the Commissioners appointed by the beforementioned Act (Intituled An Act to support the Troops at Oswego and to Regulate the Indian Trade there passed in the Fifth Year of his present Magesties Reign) are obliged directed enjoined and required to do,

AND WHEREAS, the several regulations heretofore prescribed by former Acts and expecially by the last above mentioned Act and hereby continued to be in Force to the first day of November One thousand Seven hundred and thirty five as aforesaid have in a great measure tended to render the Indian Trade and Traders therein Compleatly uniform and agreeable so as to answer the Ends proposed for the Carrying on the same yet have not been all together expedient to bring about so desirable a Work nor to guard against some evil minded and avaritious Persons who have found out ways and means to evade abuse and transgress those good and wholesome Laws and Rules.

BE IT THEREFORE ENACTED by the authority aforesaid that every person and persons carrying sending or transporting any strouds or Rum to Oswego or to Oneyda Cajougo Tuscarora Onandago or Sinikies whether sold or with intent to sell the same to the Indians or French shall first report and enter with the Commissioners aforesaid or One of them or One of their Deputies the full exact & distinct Quantity thereof and at the same time shall enter into a Recognizance to Our Sovereign Lord the King with One or more sufficient surety or sureties according to the Discretion of the said Commissioner or Com-

missioners or his or their Deputy or Deputys to the Effect following (that is to say).

MEMORANDUM on the Day of One thousand seven hundred and thirty then A. B. appeared before of the Commissioners appointed by an Act of General Assembly of this Colony for manageing securing and Collecting the Duties on Indian goods and rum and did acknowledge himself indebted unto our Sovereign Lord the King his Heirs and Successors in the sum of fifty pounds Current money of New York to be levied upon all his lands and Tenements Goods and Chattles and also

appeared as afore-
said and did acknowledge to be indebted to
Our Said Sovereign Lord the King his Heirs and Successors in
the Sum of fifty pounds to be levied on all and singular
Lands and Tenements Goods and Chattles on the Condition
following

That if the abovesaid A. B. shall on or before the
Day of next pay or Cause to be paid unto the above
named Commissioners or One of them the full sum of

Current money of this Colony and also shall and will from time to time and at all times hereafter during the Continuance of his Licence to Trade with the Indians and French well and truly pay or Cause to be paid all such sum and sums of money as shall be legally assessed and demanded from him as his proportionable part or Share for making good the deficiency (if any there should be) for Discharging all Debts and Demands due or to grow due from the Trading House at Oswego as also that he shall not and will not at any time hereafter directly or indirectly defraud cheat or abuse any Indian or Indians whatsoever in any kind or sort of Dealing or Trading with them especially by mixing or putting any Water or other small Liquor into any of the Rum he shall sell to or Truck or Cause to be sold to or Trucked with them or any of them and shall not and will not wittingly or willingly hurt injure or in any wise personally abuse or misbehave himself towards any of the said Indian or Indians Then this Recognizance to be Void otherwise to stand and remaine in full force,

AND BE IT ENACTED by the Authority aforesaid that the Commissioners of the said Dutys shall be and hereby are fully Authorized and impowered to take the several Recognizances

hereby Directed to be taken before them and that such recognizance or recognizances shall be as good and Effectual in law as if the same had been taken before any one of the Justices of the supream court in this Colony any Law or practice to the Contrary thereof in any wise notwithstanding

AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Commissioners and each of them are Authorized and impowered and are hereby enjoined and required before he or they Grant such Lycence to administer an Oath unto every such Indian trader to the Effect following (that is to say) I A. B. do solemnly swere in the presence of Almighty God (or sincerely and truly declare and affirm) that I will not henceforth at any time during the Continuance of my Lyncence by myself neighter shall my Agent Deputy partner or Factor with my knowledge or Connivence sell or Truck or Cause to be sold and Trucked to any Indian or Indians whatsoever any unmearchanable rum nor will I directly or indirectly by any ways or means whatsoever knowingly or Wittingly deceive Defraud or impose upon them or any of them by selling any unmerchantable Rum with whom I myself or any one for me shall hereafter buy sell Truck Traffick or anywise deal or Trade so help me God.

AND Every such Indian Trader is hereby enjoined and required at and immediately before his receiving his Licence to Trade, to take such Oath Accordingly. And if any such Indian Trader or Traders shall Afterwards be convicted by the Oath of One or more Credible Witness or Witnesses before ye said Commissioners or any One of his Majesties Justices of the peace for the County of Albany who are hereby Authorized and required to hear and determine the same of a wilfull Breach of his said Oath He or they so Convicted shall by Warrant under the Hand and Seal of the said Commissioners or such Justice of the peace be immeadiately Committed to the Common Goal of the s'd County there to remain without Bail or Mainprize for the space of three months and be entirely incapacitated by himself or by any Agent or Agents directly or indirectly to deal or Trade for the space of two years after such Commitment And shall also forfeit the sum of twenty five pounds (over and above the penalty of his said Recognizance) One half to the prosecutor the other half to & for the Use of the said Trading House at Oswego to be sued for and recovered before the said Commissioners or any One of his Majesties Justices of the peace for the said County of Albany in manner as aforesaid.

AND WHEREAS at the season of the year for breaking up the Indian Trade at Oswego most of the Huts or Houses built at the Expence and Labour of ye Traders which have been left standing at their Departure from thence and which are Necessary for carrying on the said Trade have before the Trading season the year following been almost Constantly pulled down and destroyed by the Rudeness and Misbehaviour of som of the Common soldiers posted there therefore to prevent such Irregularities and Mischiefs For The future the General Assembly pray that his Excellency the Governour would be pleased to Order and Direct the Officer posted there to forbid and prevent all and every such Common soldier and Soldiers under his Command from Committing Such Outrages and Offences under such penalty or punishment as his said Excellency shall Judge reasonable To Inflict on such offenders And if any other Person or Persons shall burn or Destroy any of the Said Trading houses they shall for every such Offence forfeit the sum of six pounds Current money of this Colony to be recovered by any Person that shall sue for the same before any Justice of the peace within the County of Albany One half of the said forfeiture to belong to the person that shall sue for the same the other half for and towards supporting the Trading House at Oswego aforesaid,

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the said Commissary so intended to be appointed and to Reside at Oswego or any of the before named Commissioners Collectors Constables or any other Person or Persons shall be sued for what either he or they shall do in the Execution of this Act he or they may plead the General Issue and give the special Matter in Evidence for his and their Excuse and Justification And if the plaintive or plaintives shall become Non-suit Discontinue or withdraw his or their Action or Actions or if a Verdict pass against him or them the Defendant or Defendants shall recover and be allowed by the Court where such Action or Actions Shall be brought or tried his or their treble Cost which he or they shall have sustained by reason of his or their wrongfull Vexation in Defence of such Action or Actions for which the Defendant or Defendants shall have Like Remedy as in other Cases where Costs by the Law are given or allowed to Defendants and in as much as Beef and Pork by its being salted looses Considerably in its weight be it Enacted by the Authority Aforesaid that of the Beef & Pork to be Issued weekly

to the Troops at Oswego there shall be no more allowed then fifteen Ounces for every pound,

BE IT FURTHER ENACTED by the same authority that the Treasurer of this Collony shall out of the money to arise by this act pay and Discharge all such warrants as already are or hereafter shall be Issued in Council by Virtue thereof To such person or persons as the same are made payable to, and proper receipts being Endorsed thereon by such person or persons shall be a good and sufficient Discharge in the Law to the said Treasurer for so much as shall be mentioned and Expressed therein,

AND BE IT FURTHER ENACTED by the authority aforesaid that of all the several and respective sums of money which the said Treasurer shall receive and pay by Virtue of this Act he shall keep Exact and Distinckt Books and render true Accounts thereof upon Oath to the Governour for the time being to the Council and To the General Assembly when by them or any of them thereunto required and that it shall be Lawfull for him to retain in his Own hand as a reward for his Trouble and Care therein six pence on every pound he shall receive and pay by virtue of this Act,

AND WHEREAS the above mentioned Allowance to the Treasurer ought likewise to be provided for to the End no fresh Demands may Arise by that means BE IT ENACTED by the Authority aforesaid that the beforenamed Commissioners of the Duty on rum and strouds shall Annually add to the Debtor of the account herein Directed to be Stated by them so much as the said allowance does amount to in the respective years during the Continuance of this Act and the Same is to be paid and provided for in Like manner as the other Deficiencies that may happen in Each of the Said Years, AND BE IT FURTHER ENACTED by the same authority that if the several articles and the Duties hereby appropriated for the Use hereinbefore mentioned shall at the Determination of this Act Exceed the Cost and Charge of the supporting the Troops and House at Oswego and the Contingencys attending the same during that time all such overpluss shall be employed Either for and Towards a future support of the said Trading House or for and towards repaying the money formerly Borrowed from the Excise for that Use as by Act or Acts of the General Assembly hereafter to be passed for that purpose shall be ordered and Directed anything hereinbefore to the Contrary thereof in any wise notwithstanding.

[CHAPTER 593.]

[Chapter 593, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., second p. 394.]

An Act to Regulate the Ferry Between
the City of New York and the Island of
Nassau and to Establish the Ferriage thereof.

[Passed, October 14, 1732.]

WHEREAS the Rates and Prices of the Ferriage for Men, Horses, Cattle, Grain and all Other Goods Transported Over the Ferry between the City of New York and the Island of Nassau were heretofore Regulated by the Mayor, Aldermen and Commonality of the said City to whom that Ferry Belongs, And for Avoiding Disputes the aforesaid Ferriage was Afterwards Established for the Term of Seven Years by an Act of the General Assembly of this Colony Entituled An Act for Regulating the Ferry between the City of New York and the Island of Nassau passed in the ffourth year of his late Majesty's Reign, And the Same having been Generally Approved of, was by an Other Act passed in the Twelfth Year of his Said Majesty's Reign Revived, And by an Other Act passed in the ffirst year of his pressent Majesty's Reign Continued untill the Twelfth day of June which will be in the Year of our Lord One thousand Seven Hundred and thirty three, as in and by the Said Acts relation being thereunto had may more at large Appear.

AND WHEREAS the Rates and Prices of the Ferriage aforesaid are Still well Approved of and allowed to be Reasonable and Moderate, BE IT ENACTED by his Excellency the Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that from the said Twelfth day of June Next Ensueing and at all times thereafter, the Ferriage for Transporting Men, Women, Horses, Cattle, Grain and all Manner of Goods, Wares and Merchandizes over the Said Ferry Either forward or Backward Shall be and hereby are Established to be and Remain After the Rates and Prices following that is to Say.

For Transporting Every Person from the City of New York to the Island of Nassau or from the Island of Nassau to the city of New York ten grains of Seville Pillar or Mexico plate or two pence in Bills of Credit made Current in this Colony, and if after Sunsett double that Rate unless a Neglect or Refusal in the Ferryman to Transport Passengers over Sooner

ALWAYS PROVIDED that a Sucking Child or Some Remnants of Goods or Other Small matters (not herein after Rated) which a Woman Carry's in her Apron, or a Man or Boy under his Arms, Shall be free from Ferriage.

For Every Horse or Beast One Shilling in like money.

For Every live Calf or Hogg four pence in like money.

For Every live Sheep or Lamb three pence in like money.

For Every dead Hogg three pence in like money.

For Every dead Sheep, Lamb or Calf two pence in like money.

For Every Barrell of Rum, Sugar, Molasses or Other full Barrell Eight pence in like money.

For Every Empty Barrell three pence in like money.

For Every Empty Pipe or Hogshead nine pence in like money.

For Every Beasts Hide three pence in like money.

For Every undrest Calf, Sheep or Deer Skin One penny in like money.

For Every Pail of Butter one penny in like money.

For Every Firkin or Tubb of Butter two pence in like money.

For Every Bushell of Salt, Wheat, Grain, Seeds or any Other thing Usually measured and Sold by the Bushell one half penny in like money.

For Every full Pipe or full Hogshead four Shillings in like money.

For Every Inch Board One penny in like money.

For Every Board of One Inch and an half One penny half penny in like money.

For Every Waggon five Shillings in like money.

For Every pair of Cart Wheels Eighteen pence in like money.

For Every Cupboard, Press for Cloaths or Writing Desk three Shillings in like money.

For Every full trunck or Chest One Shilling in like money.

For Every Empty Trunk or Chest nine pence in like money.

For Every half Barrell of Flour or any Other full half Barrell three pence in like money.

For Every Barrell of Bread Six pence in like money.

For Every Bag of Bread One penny half penny in like money.

For Every Gammon of Bacon, Turkey or Goose one half penny in like money.

For Every Hundred of Eggs, Three Eggs, And so in proportion for a Greater or lesser Number.

For Every Dunghill Fowl, Brant, Duck, Heath Hen or Rabit One farthing in like money.

For Every Dozen of Pidgeons, Quails, or Snipes One penny in like money.

For Every Dozen of Smaller Birds, One-half penny in like money.

For Every hundred Weight of Iron, Steel, Shott, Pewter or Lead, and of Iron Copper or Brass Kettells or potts Six pence in like money, and in that proportion for a Greater or Lesser quantity.

For Every hundred weight of Gun powder One Shilling in like money.

For Every Scyth or Sith One half penny in like money.

For Every Firkin of Soap two pence in like money.

For Every Cheese One half penny in like money.

For Every Corn Fann three pence in like money.

For Every hundred of Shingles Six pence in like money.

For Every Cedar Boulton one penny in like money.

For Every Common Bagg of Cotton Wool One penny in Like money.

For Every Bail of Cotton wool or Hops Eighteen pence in Like money.

For Every Coach Six Shillings in like money.

For Every Chaise three Shillings in like money.

For Every Single Sleigh Eighteen pence in like money.

For Every double Sleigh two Shillings in like money.

For Every piece of Ozenbrigs two pence in like money.

For Every piece of Blanketts or Duffills Eighteen pence in like money.

For Every piece of Cotton, Penniston, Flannel or Frize four pence in like money.

For Every piece of Broad Cloth, Kersey Strouds, half thicks and Druggetts three pence in like money.

For Every Piece of Wadding two pence in like money.

For every piece of Duroys, Calimincos, Shalloon or Other Stuff, and for Every Piece of Garlick, Holland, or Other Linnen One penny in like money.

For Every Empty Firkin or Pail One half penny in Like money.

For Every Side of Sole Leather two pence in like money.

For Every Side of upper Leather One penny in like money.

For Every hundred weight of Beaver, Racoons Skins or Coats nine pence in like money and so in proportion for a Greater or Lesser quantity.

For Every half Dozen of Hatts One penny half penny in like money.

For Every Dozen of ffish Called Sheeps-head two pence in like money.

For Every hundred weight of Dying wood Eight pence in like money, and so in proportion for a Greater or Lesser quantity.

For Every hundred weight of Copperas, Allom or Brimstone Six pence in like money, and so in proportion for a Greater or Lesser quantity.

For Every Chair One penny in like money.

For Every half Dozen pair of Wool Cards, One penny in like money.

For Every Saddle without a horse two pence in like money.

For Every Rugg, One penny in like money.

For Every Gun one penny in like money.

For Every Spade one half penny in like money.

For Every Case with Bottles three pence in like money.

For Every Looking Glass of two foot High and upwards four pence in like money.

For Every Looking Glass of one foot high two pence in like money.

For Every hundred weight of Rice two pence in like money, and so in proportion for a Greater or Lesser quantity.

For Every Warming pan One penny half penny in like money. and for Every ffrying pan One half penny in like money.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Other Merchandize, Goods, Commodities and things whatsoever not Enumerated and Specified in this Act Shall pay for the Ferriage and Transportation thereof from New York to Nassau Island, Or from Nassau Island to New York; in proportion to the Rates above Specified and Enumerated for a Greater or Lesser Weight or Quantity, and not Otherwise. And in Case any Person or Persons Whatsoever Shall Refuse hereafter to pay the Rates and Prices of Ferriage before Mentioned to the Ferryman for the time being Pursuant to the Regulation made in this Act, he, She or they so Refusing Shall fforfeit and pay trebble the Rate to which he, She or they were liable, by Vertue of this Act, Together with the Charges of Recovering the Same, upon the Oath of One or more Credible Witness before any of his Majesty's Justices of the Peace within this Colony who are hereby Authorized and Required to Administer the Said Oath and to give Judgment and Award Execution Accordingly. And

if any Dispute Shall happen to Arise hereafter Concerning the Rates and Prices of Ferriage for any Goods or Commodities not Expressed and particularly Enumerated in this Act, and the matter be brought before Some One of his Majesty's Justices of the Peace by the Contending Parties the Said Justice of the Peace is hereby Authorized and Required to hear and Determine the Same So as to him Shall Appear to be Conformable to the true Intent and Meaning of this Act, And to award Costs against the Person in Default.

AND BE IT FURTHER ENACTED by the Authority aforesaid that if the Ferryman of the said Ferry, between New York and Nassau Island Shall Neglect or Refuse to Come and go with the Ferry Boats to, and from Such place or places in the City of New York as now are or hereafter from time to time Shall be Appointed and Prescribed unto him for Landing Places, by the Mayor Aldermen and Commonality of the Said City (wind and weather Permitting) Shall for Every Such Offence forfeit the Sum of Twenty Shillings to be Recovered in Manner as aforesaid and paid to the Treasurer of the Said City for the time being to be Applied towards the Defraying the publick Charges of the Same. And if from and after the Publication of this Act the Ferryman for the time being or his Servant or Servants, Shall Demand, Impose, Exact and take any Greater or Other Rates for Transporting of Persons, Goods, Wares, Merchandize or Other things whatsoever Over the Said Ferry than is herein before limited, Appointed and Established he or they or any of them so Offending in the Premises Shall forfeit and pay for Every Such Offence the Sum of Twenty Shillings One Moiety thereof to the party Greived or Other Person who Shall prosecute and Sue for the Same, and the Other Moiety thereof to the Treasurer of the Said City for the time being to be applied and Recovered in Manner and form as aforesaid.

AND BE IT FURTHER ENACTED by the Same Authority that it Shall and may be lawfull for the Mayor, Aldermen and Commonalty of the City of New York for the time being their Successors and Assigns to Demand, Receive and take the Rates and Prices above in this Act mentioned for Transporting of Persons, Goods, Wares Merchandizes and Other things from the City of New York to the Island of Nassau, and from the Island of Nassau to the City of New York, Over the Ferry in the Ferry Boats, and Shall and may Establish and keep One or more Ferrys between the Said City of New York and the Island

Nassau for the Better and more Easy Transportation of Goods and Passengers Over the Said Ferry: Always provided that there Shall be and Remain one Constant Ferry from the Present Ferry on Nassau Island to the City of New York at Some Convenient landing place in the Said City to the Eastward of the Slip Commonly Called Wall Street Slip or Clarks Slip Including the Said Slip.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Ferryman for the time being Shall not Impose, Exact, Demand or Receive any Rates or Ferriages, for any Goods or things whatsoever Transported by any of the Inhabitants Living alongst the River at, and near the Ferry on Nassau Island in their Own Boats or Canoes that is to Say between the places Commonly Called and Known by the Names of Kyckout and Red Hook, provided the Said Goods and Commodities be properly their Own and not belonging to any Other Person or Persons whomsoever but in Case any Such Inhabitant under Colour or pretence of Transporting his or her Own Goods only Shall Transport and Carry or Bring Over the Said Ferry, the Goods of any Other Person or Persons of what kind Soever for Hire Reward or without, and thereof be Convict before any of his Majesty's Justices of the Peace by the Oath of One or more Credible Witness, (which Justices are hereby Authorized and Required to Administer Such Oath, and to Give Judgment and award Execution) Such Inhabitant or Person so Offending Shall forfeit and pay to the Ferryman of the aforesaid Ferry for the time being the Sum of Twenty Shillings Current money of this Colony with Costs of Suit. And forasmuch as the Mayor Aldermen and Commonality of the City of New York, have been for many Years past and Still are Legally and Solely Seized of the Ferry aforesaid; and that they have at their Own Great Cost and Charge not only Purchased Lands on Nassau Island at the place where the Said Ferry has allways been kept; but Likewise Erected there, Houses, Stables and a Penn for the Accommodation of Travellers, Passengers, Drovers Horses and Cattle, and a Convenient Bridge or Landing for Boats to Come at, and go off from.

BE IT THEREFORE ENACTED by the Authority aforesaid that no Other Person or Persons whomsoever Other than the Said Mayor, Aldermen and Commonality of the City of New York, their Successors and Assigns Shall Presume to Erect and keep a Ferry between the City of New York and Nassau Island

for Carrying or Bringing of any Pasengers, Horses, Cattle, Hoggs, Sheep, Goods, Wares, Merchandize or Other Commodities or things whatsoever over the Said Ferry hereby Rated and Established for any Hire, Wages or Reward whatsoever or without under the Penalty of ffifty pounds for Every Such Offence with ffull Costs of One Moiety thereof to his Majesty His Heirs and Successors towards the Support of his Government in this Colony, and the Other Moiety thereof to Such Person or Persons as shall prosecute and Sue for the Same to Effect in any Court of Record within the Said Colony wherein no Essoyn Protection or Wager of Law or more than One Imparlance Shall be Allowed.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Ferryman for the time being Shall be Obliged to paste upon a Board and hang up in the Porch of the Ferry House or at the most Publick place there, fairly in writing or Printed a Table of the Rates and Prices of the Ferriage as the Same are hereby Established and that in Default thereof the Ferryman for the time being Shall fforfeit and Pay for Every day he shall Refuse, Omitt or Neglect to hang up Such Table of the Rates and Prices of Ferriage in Manner as aforesaid the Sum of Twenty Shillings to any Person or Persons who Shall Sue and prosecute for the Same before any of his Majestys Justices of the Peace who are hereby Authorized to hear and Determine the Same and upon Conviction of the Offence to Award Judgment and Execution Accordingly.

AND BE IT FURTHER ENACTED that this Act Shall be Deemed and taken to be a Publick Act. And all Judges and Justices are hereby Obliged to take Notice of itt as Such without Special pleading the Same.

[CHAPTER 594.]

[Chapter 594, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p 399.¹

An Act to encourage a PUBLIC SCHOOL in the City of New York for teaching Latin Greek and Mathematicks.

[Passed, October 14, 1732.]

WHEREAS good Learning is not only a very great Accomplishment but the properest Means to attain Knowledge, Improve the Mind, Morality and good Manners and to make Men better, wiser and more usefull to their Country as well as to themselves.

AND WHEREAS the City and Colony of New York abounds with Youths of a Genius not Inferior to other Countries, it must undoubtedly be a Loss to the Public and a Misfortune to such Youths if they are destitute of the opportunity to improve their Capacities by a Liberal Education.

AND WHEREAS the Mayor and Aldermen and a great Number of the principal Inhabitants of the said City of New York have by their petition to the General Assembly set forth that One Mr. Alexander Malcolm has, by keeping of a private School within the said City given a satisfactory Proof of his Abilities to teach Latin Greek and the Mathematicks; But as the Income of that School does at present fall short of a comfortable Support for himself and his Family They humbly pray he may have a suitable Encouragement to keep a public School amongst us under such Regulations and Restrictions as may answer that End.

And altho' the not rightly applying of a temporary Salary heretofore allowed for a Free School, has been the chief Cause that an Encouragement for the like purpose has ever since been neglected; But in as much as the present Circumstances afford a better Prospect, and to the End our Youth may not be deprived of the Benefits before mentioned BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, And it is hereby enacted by the Authority of the same That there shall be One Public School established and kept in the City of New York to teach Latin, Greek and All the parts of Mathematicks from the First Day of December next ensuing to the First Day of December which will be in the Year One Thousand Seven hundred and Thirty Seven and that the above named Alexander Malcolm shall be the Master thereof during that Time under the Regulations and Restrictions, and for the Reward and Encouragement hereinaftermentioned.

BE IT FURTHER ENACTED by the same Authority that the above named School Master or the School Master of such School for the Time being, shall for and in Consideration of the Encouragement here in aftermentioned, be and hereby is obliged during the Time aforesaid to provide at his own Cost and Charge in the said City of New York a proper and convenient House or Room and there in during the Time and Term aforesaid (Sundays and the usual Holydays only excepted) to teach Gratis and without any farther or other Reward or Consideration from any Person whatever than what is allowed to him by this Act, in the best Manner he is able the Latin and Greek Languages, Arith-

metic and all the other Branches of the Mathematicks, or in such of them as the said School Master Shall be ordered and directed by the Persons hereinafter vested with the Power to give such Orders and Directions the Number of Twenty Youths in the proportion following, that is to say.

For the City and County of New York, Ten. For the City and County of Albany two. For King's County, One. For Queen's County, One. For Suffolk County, One. For Westchester County, One. For Richmond County, One. For Orange County, One. For Ulster County, One; And for Dutchess County, One.

BE IT FURTHER ENACTED by the Authority aforesaid that the Youths so to be taught, are to be recommended in Manner following, that is to say; For the Cities and Counties of New York and Albany, by the Respective Mayors, Recorders and Aldermen thereof. And for the several Counties by the Justices at the General Sessions of the Peace to be held for those Counties respectively. And in such Recommendations under their Hands they are respectively to certify the Name and Names of such Youth, their Age (which is not to be under Fourteen Years) and that they have been well instructed in Reading and Writing of English. And in such Certificate is to be added a Command to the Schoolmaster for the Time being, to receive such Youth as a Scholar; who is accordingly to receive them in his School, and to teach him or them in Such Manner as he by such Certificate or Order shall be directed. And the Persons aforesaid are hereby impowered and directed not only to grant such Certificates and Orders Gratis, But in like Manner from Time to Time to supply such Vacancies, as shall or may happen in the said School in the said Number of Youths by Death or otherwise during the Continuance of the said Act.

AND BE IT ENACTED by the same Authority that if the said Mr. Malcolm or the School Master for the Time being shall at any Time during the Term aforesaid refuse to receive or teach the Youths sent to him for that purpose in the Manner abovementioned, it shall absolutely barr him of the Reward by this Act allowed to him PROVIDED the Numer of such Youths do not exceed the Number herein before limited; Nor shall it be deemed a Default in him if either of the said Cities or any of the said Counties shall at any Time recommend or send a less Number than they hereby have a Right to do.

AND to the End the School hereby intended may be duely and orderly kept and the aforesaid Scholars well instructed

BE IT FURTHER ENACTED by the same Authority that the Justices of the Supreme Court, The Rector of Trinity Church and the Mayor, Recorder and Aldermen of the City of New York for the Time being or the Major part of them shall be and hereby are impowered constituted and appointed Visitors of the said School for the Term aforesaid and vested with a Power to remove the Master for the Time being for Misbehaviour or Neglect of his Duty And upon his Removal to elect appoint and establish another in his Place; As also whenever the Master's place is void by any other Means whatsoever during the Term aforesaid the Visitors aforesaid or the Major Part of them are hereby further authorized and impowered to elect appoint and establish Master in such Place so become void; And the Master so by them elected appointed and established shall be entitled to the Salary or Reward hereby intended for the Master aforesaid.

PROVIDED and BE IT ENACTED by the same Authority that the before named Alexander Malcolm hereby appointed Master of the said Public School, shall not be removed during the Term aforesaid except for Misbehaviour or Neglect of his Duty in the Keeping of the said School or in teaching of the Youth in Manner aforesaid.

AND that the said Mr. Malcolm or the School Master for the Time being of the public School before mentioned may be enabled to provide a proper School and be encouraged to teach the said Number of Youth in Manner as aforesaid BE IT ENACTED by the same Authority that after the Money already appropriated in and by and Act Entitled An Act for reviving an Act Entitled An Act for Licencing Hawkers and pedlars within this Colony and for paying the Sum of Sixty pounds unto Richard Bradley Esq'r passed this present Session shall be paid and discharged out of that Fund; All the Residue of the Money that shall arise from thence forward until the First Day of December which will be in the Year One Thousand Seven Hundred and Thirty Seven by Virtue of the said Act shall be and hereby is applied for and towards the Encouragement of such School Master as aforesaid. And for the orderly and effectual paying of the same to him, the Treasurer of this colony shall be and hereby is enjoined yearly and every year during the Continuance of the said Act to state an Account of that Fund deducting out of the Money that has already arisen or may arise thereby Six pence in the pound for his receiving and paying the same, as likewise what by the said Act and a former Act he has been

directed to pay out of the same; Which Account so stated he is hereby further enjoined annually, between the First and the Tenth Day of December to deliver unto his Excellency the Governour who is thereupon requested to issue Warrants in Council for so much as by such Account shall appear to be in the Treasury by Virtue of that Fund payable to the said Mr. Malcolm or to the Schoolmaster for the Time being; Which Warrants the said Treasurer is hereby likewise directed from Time to Time to pay and discharge out of the said Fund accordingly.

AND for a further Encouragement to the said School Master or the School Master for the Time being BE IT ENACTED by the Authority aforesaid That over and above the Sum or Sums of Money annually to be raised in the City of New York by Virtue of an Act Entitled an Act for settling a ministry & raising a Maintenance for them in the City of New York Counties of Richmond Westchester and Queen's County passed in the Fourth Year of King William and Queen Mary there shall at the same Time in the same Manner and by the same persons be assessed levied and collected and yearly paid to the Treasurer of the said City during the Continuance of this Act the Sum of Fourty Pounds Currant Money of this Colony besides the Charge of collecting and paying the same, For which Sum so to be annually paid during the said Term the Mayor of the said city for the Time being in Common Council convened is yearly to issue Warrants for the same on the said City Treasurer payable Quarterly to the abovenamed Mr. Malcolm or the Schol Master for the Time being. And the said Mayor the said Treasurer and all persons who are to assess levy and collect the abovementioned Tax for the Minister and Poor are hereby strictly charged and commanded to act conformable to the true Intent and Meaning of this Clause.

ALWAYS PROVIDED and BE IT FURTHER ENACTED by the same Authority that whenever the Fund of Hawkers and Pedlars shall during the Term aforesaid happen to exceed the Sum of Fourty Pounds Per Annum such Overplus shall remain in the Treasury, so Nevertheless as that the said Sallary for the whole Five Years out of the said Fund does not fall short of the Sum of Two Hundred Pounds any Thing herein to the contrary thereof notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid That this Act shall be deemed a Public Act and accepted as such in all Courts and by All Officers within this Colony.

THE TWENTIETH ASSEMBLY.

Sixth Session.

(Begun Oct. 16, 1733, 7 George II, William Cosby, governor.)

[CHAPTER 595.]

[Chapter 595, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 474. Revived by chapter 681.]

An Act for the further Continuing An
Act Entituled An Act for the Encourage-
ment of Whaling

[Passed, November 1, 1733.]

Be it Enacted by the Governour Council and General Assembly and it is hereby Enacted by the authority of the same that one Act of Generall Assembly Entituled an Act for the Encouragement of Whaling passed in the seventh Year of the reign Her late Majesty Queen Anne of Glorious Memory Expired by its own limitation & hath been since revived and Continued untill the first Day of December in this present year one thousand seven hundred and thirty three, shall be and remain of force from and after the first day of December next, untill the first day of December, which will be in the Year of our Lord one thousand seven hundred and thirty eight & no longer.

[CHAPTER 596.]

[Chapter 596, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 472. Expired December 1, 1740. Provided for by chapter 726.]

An Act for the further Continuing an
Act entituled an Act for Encouraging the
Returning of Neat Cattle and Sheep to their
owners

[Passed, November 1, 1733.]

Whereas one Act of Generall Assembly entituled an Act for Encouraging the returning of neat Cattle and Sheep to their Owners, passed in the fourth Year of his late Majestys Reign being Expired by its own limitation was by another Act passed

in the twelfth Year of his said Majestys Reign Revived and to be of force untill the first day of November in this present Year one thousand Seven hundred and thirty three and the same having by Experience been found usefull,

BE it Enacted by his Excellency the Governour the Councill and the General Assembly and it is hereby Enacted by the Authority of the same that the Above mentioned Act Entituled an Act for Encouraging the returning of neat Cattle and Sheep to their owners

SHALL be and Continue of force from the said first Day of November untill the first day of December which will be in the Year of our Lord one thousand seven hundred and forty

[CHAPTER 597.]

[Chapter 597, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 572. Continued by chapter 613.]

An Act for the further Continuing An Act Entituled an Act to let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for Declaring Shrub liable to the same Dutys as Distilled Liquors.

[Passed, November 1, 1733.]

WHEREAS an Act of Generall Assembly of this Colony passed in the Second Year of his Majestys Reign Entituled an Act to let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the same dutys as Distilled Liquors, has by Subsequent Acts been Continued to be of force untill the first Day of November next ensuing, and it being necessary the same should be further Continued in order to Let the said Excise to the best advantage

BE IT ENACTED by his Excellency the Governor Councill and the Generall Assembly and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled An Act to let to the Farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the same Dutys as Distilled Liquors shall be and hereby is further Continued and every Clause Article and thing therein

Contained from the first Day of November next ensuing untill the first Day of November which will be in the Year of our Lord one thousand Seven hundred and thirty four. Excepting only Such part thereof as Shall by this Act be otherwise provided for. And in as much as Some of the Commissioners appointed in the said Act to let to Farm the said Excise have departed this Life and others been Exchanged, BE IT Enacted by the Authority aforesaid, that the Persons hereinafter named Shall be the Commissioners to Let to Farm the said Excise in the severall Citys and Countys of this Colony, That is to say.

FOR the City and County of New York Robert Lurting Esq. & Mr William Sharpass.

FOR the City and County of Albany the Mayor & Recorder of THE said City for the time being.

FOR the County of Suffolk David Corey Esq.

FOR Queens County Richard Betts Esq. & Mr Joseph Smith

FOR Kings County Ryck Suydam Esq. & Mr Peter Lefferts

FOR Westchester County Mr William Forster and Mr Anthony Lespinard.

FOR Ulster County Mr William Elting and Jacob Tenbrook Esq.

FOR Dutchess County Barent Van Kleeck Esq. and Mr. Henry Vanden Burgh.

FOR Richmond County Mr Adam Mot and Mr Joseph Beadle

And FOR Orange County Vincent Matthews and Abraham Hearing Esqr's.

AND be it further Enacted by the Authority aforesaid that the Severall Persons above Named shall be and hereby are Impowered and required to Let to Farm the said Excise in the Citys and Countys for which they are Respectively appointed by Publick out Cry Auction or Vendue to the hiest Bidder, within twenty Days next after they shall have Notice or INFORMATION that they are so appointed as aforesaid they first Fixing up Advertisements of the time and Place When and where the said Excise is to be Let to Farm in the same manner as in and by the Act aforesaid is Ordered and directed, and in all other matters relating thereto be Obligated to Observe and perform all other directions required by the said Act to be Observed and performed by the Commissioners thereby appointed.

[CHAPTER 598.]

[Chapter 598, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 573. Continued by chapter 617.]

An Act for the further Continuance of an Act Entituled An act for settling and regulating the Militia in this Province and making the same usefull for the Security and defence thereof and for Repealing all other Acts relating to the same; as likewise the Severall Acts whereby the Same has been revived and Continued.

[Passed, November 1, 1733.]

WHEREAS An Act Entituled an Act for Settling & Regulating the Militia in this Province and making the Same usefull for the Security and defence thereof and for Repealing all other Acts relating to the Same Passed in the tenth Year of his late Majestys Reign being Expired by its own limitation has by Severall Subsequent Acts of the Generall Assembly not only been revived and from time to time Continued but Severall other Clauses and Alterations been added thereto and thereby Enacted to be of Force untill the first day of December next ensuing And for as much as it is highly necessary to have the Militia of this Colony under proper Regulations, Be it Enacted by his Excellency the Governour THE Council and the Generall Assembly and it is hereby Enacted by the Authority of the same that not only the above mentioned Act but likewise all the Severall Acts for Reviving and Continuing the Same and every Clause article matter and thing Contained therein and in every one of them Shall be and remain of full force and Virtue from and after the said first day of December untill the first day of December which will be in the Year of our Lord one thousand Seven hundred & thirty four

[CHAPTER 599.]

[Chapter 599, of Livingston & Smith and Van Schaack, where the act is printed in full. Revived by chapter 692.]

An Act to Prevent the Pening or folding of Sheep and Neat Cattle feeding on Hempstead Plains.

[Passed, November 1, 1733.]

WHEREAS That Large tract of Land or Common lyeing and being in Queens County upon Nassau Island, Belonging

chiefly to the township of Hempsted and Oysterbay, commonly called and known by the Name of Hempstead Plains, Hath for a long time past been and Still is used & Enjoyed by the ffreeholders and Inhabitants of the said Township as a Common Pasture for the maintaining and pastureing of the sheep and cattle to the great support benefit and advantage of the several Inhabitants and whereas the Said ffree holders and Inhabitants have for a long time Practised to pen up and fold the Said Sheep & cattle by which means great numbers of them have been Abused & perished by being drove over heated & pened up for Remedy Whereof, The ffreeholders and Inhabitants of the said Township pray it may be Enacted and it is hereby Enacted by the Governour Council & Generall Assembly and be it Enacted by the Authority of the same That if any person or Persons whatsoever after the publication & Dureing the Continuance of This Act on any Colour or Pretence whatsoever shall drive Together pen up, Or fold any Sheep or Cattle or put up any fence to Confine them in any Inclosure whatsoever Shall for every such Offence forfeit the Sum of forty Shillings current money of this Colony. To be Recovered before any of his Majestys Justices of the Peace for the Said County Who is hereby Required to Summons the Said Offender or Offenders & to hear and Determin the whole matter uppon the Oath & Oaths of one or more Credible Witnesses & one half of the forfeitures Shall be adjudged to any person or persons that shall sue for the same and the other half of the said forfeitures to the poor of the Respective Town or Place where the Offence was Committed

And be it further Enacted by the Authority Afforesaid that if any person or persons that Shall have Occasion to Drive up any of the Said Cattle or Sheep to take out & Seperate his own for Fattening Selling or Killing and shall take upon him to detain the said Sheep or Cattle above the space of two hours in his pen, For every Such Offence he shall be liable to the same forfeitures as Are before mentioned to be recovered & Applyd as Aforesaid.

And be it further Enacted by the Authority Afforesaid that if any Justice of the Peace upon Complaint made or upon their own Knowledge Shall refuse to Punish the Said Offender or Offenders according to the true meaning of this Act Shall forfeit for every Such Offence the full Sum of Three Pounds current Money of this Colony to be Recovered by Action in the Court of Common Pleas for Queens County and the Money to be aply'd as the Other for-

feitures before Mentioned, Anything herein contained to the Contrary Notwithstanding always provided that nothing herein Contained Shall be Construed to Extend or Debar any person or persons from pening up their own cattle as often as they shall think fit this Act to be of force from the Publication hereof untill the first Day of November which will be in the year of our Lord one thousand Seven hundred and thirty seven and no longer.

[CHAPTER 600.]

[Chapter 600, of Livingston & Smith and Van Schaack, where the act is printed in full. Livingston & Smith and Van Schaack state that this act was confirmed by the king, November 7, 1734. See chapter 79.]

An Act to Repeal part of a Clause in
the Act therein mentioned.

[Passed, November 1, 1733.]

WHEREAS by an Act of the Generall Assembly of this Colony, Passed in the Year, One thousand six hundred and ninety nine, Intitled, a bill for the Vacating breaking and annulling Several Extravagant Grants of Land made by Coll. Benjamin fletcher, late Governour of this Province under his Majesty. Amongst other things it was Enacted that it should not be in the Power of any of his Majesty's Governours or Commanders in Chief which should there after be Governours or Comanders in Chief of this Province under his Majesty his heirs and Successors to Grant or Demise for any longer than for his time in the Government a Certain Swamp & ffresh Pond, called the ffresh Water and Adjacent to the Kings ffarm, formerly Called the Dukes ffarm, on the Island of Manhattens, Beginning at a Stake Set in the Ground on the South Side of the said Pond and at the North East Corner of the Land belonging to William Merrit, thence it Rangeth along the South Side of the said Swamp and Pond by the Upland, to the Beach on the East side of Hudsons River, so Along the Beach to The Upland, thence Crossing a small Gut of the said Swamp to the Land on the East Side thereof, thence by the Said Land as it runs to the East Side of the Tan Yard, and thence to the place where begun. AND by the Act aforesaid the Swamp and ffresh water Aforesaid, amongst other things are Said to be the Denizen of his Majesty's ffort at New York and for

the benefit and Accommodation of his Majestys Governours and Commanders in Chief for the time being, And by the said Act it is further Enacted, that if any such Grants or Demises for the future should be made longer than for the time aforementioned, then all and every of such Grants Should ipso facto become Null and Void and of no Use, to all Intents and Purposes whatsoever, any Law Custom or Usage to the Contrary thereof in any ways Notwithstanding. And in the Said Act was Saved to the City of New York, the Right they have to the Fresh Water as in and by the Same may more at large appear. WHICH said Act was Intended to Restrain the Governour or Commander in Chief for the time being from granting the said Recited Premises for any longer time than his own Continuance in the Government. AND WHEREAS ever since the making of the said Act the said Swamp has lain undrained and of no Use to the Governours of this Colony for the time being, and all along been a nuisance to the Inhabitants of the City of New York by the Noisom Vapours that arise thereout for want of Clearing & Draining. And WHEREAS the Expence of clearing & draining thereof, will be so great that no Governour for the benefit he can have of it in his own time, will in all Probability ever go to that Charge, neither will any undertake to do it upon any Such grant or Demise thereof, as Governours are limited to make by the Act aforesaid.

AND his Excelency the present Governour of this Colony having Signified that he has no Objection to the passing of an Act for the purpose hereinafter Mentioned. BE it Enacted by the Governour Council and Generall Assembly and it is hereby Enacted by the Authority of the Same, That so much and no More of a Clause in the Act aforesaid as Concerns the Said Swamp and the Restriction thereby Enacted to the purpose above Mentioned, Shall be and hereby is Repealed made Void and Null in as full and Effectual a manner to all Intents Constructions & purposes whatever, as if Such Restriction in the said Clause had never been Enacted. Any Misrecital of that Part of the said Act to the Contrary Notwithstanding. Always Saving to all Bodies Politick and Corporate and to all other Persons Whatever (except the Said Governour & all other Governours & Commanders in Chief of this Colony for the time being) their Right in and to the premises or any part thereof, and particularly to the Mayor Aldermen and

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Comonalty of the City of New York, the Right they have to the Fresh Water and likewise to them and to their Successors the Magazine or Powder House adjoining to the Same and the Nowel or Hummock of Land it, Stands on together with Free and perpetuall Egress and Regress to & from the Same over the Causey Leading thereto.

[CHAPTER 601.]

[Chapter 601, of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1738.]

An Act to Preserve the Breed of English Pheasants in this Colony.

[Passed, November 1, 1733.]

WHEREAS the Late Governour did place about half a Dozen couple of English Pheasants on Nutten Island, and first Pinnion'd them to the End they might Remain there to propogate their Species, With a view that their Encrease would Spread from thence & Stock the Country with their Kind.

AND whereas the Said Fowls have not only Encreased Vastly on the Said Island, but many of them already Spread over to Nassau Island, And in all Probability will Soon Stock the Country if people are Restrained from Destroying them for a few Years.

AND the present Governour being likewise Desirous that the whole Colony may Speedily be Stockt with those Fine Fowls And to the End a Designe of Such publick Benefit may not be Frustrated, Be it Enacted by his Excellency the Governour, the Council & the Generall Assembly, And it is hereby Enacted by the Authority of the Same that whatever person or persons Freeman or Slave that Shall from & after the first day of December next Ensuing & During the Continuance of this Act wittingly & Knowingly Kill or Destroy any of the Said Breed of Pheasants their Young ones Chickens or Eggs Shall forfeit to his Majesty the Sum of ten Shillings Current Money of this Colony, one half whereof to him her or them who shall Prosecute & Sue for the Same before any one of his Majestys Justices of the Peace where Such offence Shall be Committed, Who is hereby Impowered & Required to hear & Determine the Same and the other half

to & for the poor of the Respective Town, Mannor or Precinct, Where Such Offender Shall be so Convicted, And in Default of Payment thereof the Said Justice is further Impowered & Required by Warrant Under his hand and Seal to Commit Such Offender or Offenders to the Common Goal there to Remain for the Space of five Dayes without Bail or Mainprise, Unless within that time the said Forfeiture is payd.

And for the Convicting of Such Offender or Offenders as Aforesaid, be it Enacted by the Same Authority, that Whatever Person or Persons with whom shall be found or by whom Shall be Exposed to Sale any of the Said Breed of Pheasants their Young ones Chickens or Eggs, Shall be deem'd and adjudged guilty of the Said Offence & be thereof Convict unless he She or they Shall Prosecute and Convict some other Person to have done the Same.

And be it further Enacted by the Authority aforesaid, That if any Justice of the Peace Shall upon Complaint to him made or Information to him given, Neglect or Refuse to hear & Determine the same in persuance of this Act, Every Such Justice so Refusing or Neglecting Shall Forfeit the Sum of three pounds in Like Money, as aforesaid, to be Recovered in any Court within the Same County, Where Such Justice doth Reside, One half Whereof to the Person who shall Prosecute & Sue for the Same, and the other half to be paid to the Treasurer of the County where Such Offence Shall be Comitted, to & for the use of the Same County.

Always Provided that it Shall be Lawful to & for the Governour or Commander in Chief for the time being, to Kill Destroy or give away or to Cause to be Killed Destroyed or given away from Nutten Island aforesaid any of the Said Breed of Pheasants, their young ones Chickens or Eggs And so Likewise for any other Person or Persons Unto whome the Same are or Shall be so given Not only to Keep or Kill them but also the Breed Reared therefrom in his her or their own Farmes Plantations Seats or Yards Either in the Country or in any City, without incurring the Fine or Penalty Imposed by this Act, any thing therein Contained to the Contrary thereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, that this Act Shall be and Remain of Force from & after the Before Mentioned first day of December, Untill the first Day of December which will be in the Year of our Lord one thousand Seven hundred & thirty Eight.

[CHAPTER 602.]

[Chapter 602, of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack state that this act was repealed by the king, August 8, 1734.]

An Act to Impower the Vestery of the Parish of Jamaica in queens County to Dispose of Sixty Pounds Now in the Hands of the Church Wardens of the Said Parish for the use and Benefit of that Parish.

[Passed, November 1, 1733.]

WHEREAS after the Death of Mr. Poyer Late Minister of the Parish of Jamaica and before the Induction of Mr. Colgan the present Minister thereof there was Rais'd in the Parish of Jamaica Aforesaid Sixty pounds and Paid to the Church Wardens of Said Parish & no Person Intitled to Receive the Said money and it Lyeing Useless to the Inhabitants thereof & cannot be Apply'd Without a Law for that Purpose Now for the Enabling the Inhabitants in that Case.

Be it enacted by the Governour the Council & Generall Assembly and it is hereby Enacted by the Authority of the Same that the Vestery of the Said Parish of Jamaica are hereby Impowered to Receive the Said money from the Church Wardens who are hereby Required to pay the Same to them accordingly. And upon Such payment to the Said Vestery are hereby Impowered & Required to Apply it to such Use & Bennefit of the Said Parish as they or the Major part of them Shall think fitt & to give a Receipt for the Same to the said Church Wardens which Receipt to them Shall be a good & Sufficent Discharge for the Said Sixty Pounds any thing Herein Contained to the Contrary Notwithstanding.

THE TWENTIETH ASSEMBLY.

Seventh Session.

(Begun Apr. 25, 1734, 8 George II, William Cosby, Governor.)

[CHAPTER 603.]

[Chapter 603 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 14.]

An Act For Granting to the people called Quakers residing within this Collony The Same priviledges Benefits & Indulgences as by the Laws & Statutes now remaining of force in that part of Great Britain called England The people of That Denomination are intituled unto within those Dominions.

[Passed, June 22, 1734.]

Whereas an Act of Assembly was made within this Collony in the third year of the Reigne of their late Majestys King William & Queen Mary of Glorious Memory Intituled an Act To ease people that are Scrupulous in swearing AND WHEREAS Several Statutes have been made by the parliaments of That part of Great Brittain called England in & since the Reigne of his said Majesty King William the third In ease & favour of the Protestants dissenting from the Church of England called Quakers In order to remove The Difficultys which many of them Laboured under with respect to their Scruples in taking a Solemn Oath whereby people of That persuasion have from time to time been indulged with particular form or forms of Affirmations or Declarations to be made use of instead of an Oath which Statutes have most of them been only Temporary & continued from time to time AND WHEREAS an Act of parliament was passed in Great Britain in the first year of the reign of his Majesty King George the first of blessed memory Whereby it was (among other things) Enacted That the Affirmation or Declaration of the people called Quakers in the said Act particularly Specified Should be adjudged & taken to be of the same force & Effect To all intents & purposes in all Courts of Justice & other places where by Law an Oath is required within the Kingdom of England Dominion of Wales & Town of Berwick upon Tweed as if Such Quaker had taken an Oath in the usual forme By which last mentioned Act Another Act of the Seven and eighth years of the reign of King William the third made likewise in favour of the people called Quakers

was made perpetual In which Said recited Act of the first of King George the First there was (among other things) Contained a proviso That so much of the Same as related to the Affirmation to be made by the people called Quakers Should be extended to the plantations belonging to the Crown of great Brittain for five years & to the End of the then next Sessions of parliament after the said five years & no longer AND WHEREAS by an Act of parliament made & passed in great Brittain in the Eighth year of the Reign of his said late Majesty King George the first Intituled An Act for Granting the people called Quakers Such Forms of Affirmation or Declaration as may remove the difficultys which many of them lye under Reciting (among other things) The last mentioned Act and further reciting. That the Inconveniencys to the Said people called Quakers & their ffamilys & to others requiring their Testimony in many cases were not Sufficiently avoided by reason of Difficultys among the Said Quakers relating to the forms of the Declaration Affirmation & Abjuration in former Acts mentioned as the Same were there prescribed And further reciting That it was Evident That the Said people called Quakers had not abused the Liberty & Indulgence allow'd to them by Law And That they had given Testimony of their Fidelity & Affection to his Majesty & the settlement of the Crown in the protestant Line And That it was reasonable to give them futher ease & Relief It was therefor (among other things) Thereby Enacted That instead of the Solemn Affirmation or Declaration in the form prescribed by the before mentioned Act of the Seventh & eighth years of the reign of King William the third Every such Quaker shall make the Solemn Affirmation or Declaration in the words following (That is to Say) I. A B: Do Solemnly Sincerely & truly Declare & Affirm AND WHEREAS the Said recited Act of Assembly of this Collony hath been found by Experience to be insufficient for answering the purposes thereby intended AND WHEREAS the people of this Collony are duly Sensible of his Majestys most Gracious Tenderness & Concerne for the ease peace & Tranquillity of all his Loving Subjects And That it is most agreeable to his Majesties Royall Intentions That the Legislature of this Collony should in all their Laws & proceedings Conform them Selves as near as may be to the Constitutions of England And That therefore They cannot more effectually recomend themselves to his Majestys Grace & Favour Than by imitating the Example of the Parliament of Great Brittain

BE IT THEREFORE ENACTED By his Excellency the Governour Council & Generall Assembly AND IT IS HEREBY ENACTED by the Authority of the Same That the Said recited Act of Assembly Shall from henceforth Stand Repealed & is hereby Repealed & made Null & Void.

AND Be it Further Enacted by the Authority aforesaid That the Said recited Act of Parliament of the Eighth year of the Reign of his Majesty King George the first and all & every The Several Acts of parliament heretofore made & pas'd in that part of the Kingdom of Great Brittain called England relating to the people called Quakers & every Clause matter & thing therein respectively contained Which now are & remain of force with in that part of Great Brittain called England Shall from henceforth forever hereafter Be deemed reputed & taken to be of full force and Effect within this Collony To all Intents Constructions & purposes Whatsoever And That the said people called Quakers which now are & hereafter Shall be residing within this Collony Shall from henceforth forever hereafter be Intituled unto have & Enjoy The Same Exemptions Benefits priviledges & Indulgences as by the Laws & Statutes of That part of Great Brittain called England The people of That Denomination are intituled unto any Law or usage within this Collony to the Contrary thereof in any wise Notwithstanding.

And to the end that neither those who in reality are of the people called Quakers may be deprived of the Indulgence aforesaid nor any abuses committed under Colour thereof Be it provided and enacted by the same Authority that all and every Such person as shall not publicly be known to have been one of the people called Quakers for Some years before his or her affirmation is to be administered to him or her in any Court or before any Justice of the peace or other person qualified to administer the same Shall not be admitted to make an affirmation in manner as aforesaid unless it appear by a Certificate from the quarterly Meeting where Such person Shall dwell or reside signed by Six or more of the principall people of Such meeting that Such person has been deemed & allowed one of the people called Quakers for the Space of twelve months or upwards before he or she is to make Such Affirmation as aforesaid Any thing herein or any other Law Or usage to the Contrary notwithstanding.

[CHAPTER 604.]

[Chapter 604 of Livingston & Smith and Van Schaack, where the act is printed in full. Perpetuated by chapter 714.]

An Act to prevent Small Stallions runing at Large in the Colony of New York and to Geld Such as shall be under the Size therein Mentioned.

[Passed, June 22, 1734.]

WHEREAS a Breed of Horses whether for the Saddle or Draft will be of great benefit to the Inhabitants of this Colony, & which cannot be Obtained while stallions of Small Size are Suffered to run at Large, in order therefore to prevent the Same for the future, and to procure a large & strong Breed of Horses, BE it Enacted by his Excellency the Governour the Council & the General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, That it Shall be lawfull for any Person whatsoever to Geld any Stone Horse runing at large in any Unenclosed grounds within this Colony, which Shall be of the age of two Years & Nine Months or upwards and not being of the Height of fourteen hands, to be Measured from the lowest part of the Hoof of the forefoot to the highest part of the Withers, and each hand to Contain four Inches English Measure, for which gelding & curing upon delivering the Horse Safe & Sound to the owner, who is here by required to receive the Same, He shall pay or Secure to be paid in Thirty days unto the Gelder the Sum of twenty shillings for gelding and curing the said Horse, and in Case the owner Shall refuse to pay or Secure the payment thereof unto the Person Gelding & Curing the said Horse, that then in & in such Case the Gelder shall take the Said Horse, to himself and put his own Brand upon him, and use Sell and dispose of the Same as his own proper goods & Chattles, And in case the owner Sue for such Horse or damages for Gelding the Same, The Gelder Shall Plead the General Issue & give this Act in Evidence & Trebble Cost Shall be allowed to Such Gelder.

AND for preventing any Abuses that may be Committed under Colour of taking up and Gelding of Horses in manner aforesaid. BE it further Enacted by the Same Authority, That all and every Person or Persons that Shall take up any Stone Horse or Horses runing at Large as aforesaid under the Size and above

the Age before Mentioned, Shall before he presumes to Cut or Geld the Same, Carry Such Horse or Horses to the next Justice of the Peace of that County wherein Such Horse or Horses Shall be taken up, and Such Horse or Horses, Shall be then and there Measured in the manner aforesaid in the presence of Such Justice of the Peace, and if the Said Justice shall approve and allow of such Horse or Horses to be above the Age and under the Size before Mentioned, Then Such Horse or Horses Shall & may be Gelt by Such Person or Persons so taking up the Same in Manner as aforesaid, and if any Person or Persons (except the rightfull owner or owners) Shall presume to Geld any Stone Horse or Horses not having the Approbation and allowance of such Justice of the Peace as aforesaid, or shall Geld any Horse or Horses above the Size before Mentioned, Every such Person or Persons Shall Suffer Imprisonment for the Space of One Month, without Bail or Mainprize, and forfeit to the owner or owners Treble the Value of Such Horse or Horses to be appraised by three Indifferent Men of the Neighborhood, and to be recovered by Action of Debt Bill plaint or Information in any Court of Record within this Colony, wherein no Essoin Protection or Wager of Law or any more than one Imparliance Shall be allowed. AND be it further Enacted by the Authority aforesaid, That this Act Shall be Deemed, taken and Esteemed a Publick Act and allowed & Admitted as Such in all Courts of Record, and by all Judges & Justices of the Peace, and all other officers within this Colony, and that the Same Shall be of Force from the Publication thereof untill the first day of December which will be in the Year of Our Lord Christ one thousand Seven hundred and forty one.

[CHAPTER 605.]

[Chapter 605 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Abraham Huisman John Grondain Jacob Boss Fredrick Becker Johannes Vedderlin Coenraet Rightmier Johannes Spaler Zacharias Haber Peter Craller and Johannes Van Wyck.

[Passed, June 22, 1734.]

WHEREAS the above named Abraham Huisman John Grondain Jacob Boss Fredrick Becker Johannes Vedderlin Coenraet Rightmier Johannes Spaler Zacharias Haber Peter Craller & Johannes Van Wyck, Have by their several Petitions, presented

to the General Assembly of the Colony of New York, Desired that they might be Naturalized & become his Majesty's Leige Subjects within the Said Colony.

BE it Enacted by his Excelency the Governour Council & the General Assembly, And it is hereby Enacted by the Authority of the Same, That the Above Named, Abraham Huisman John Grondain Jacob Boss Frederick Becker Johannes Vedderlin Coenraet Rightmier Johannes Spaler Zacharias Haber Peter Craller and Johannes Van Wyck, Shall be and hereby are Declared to be Naturalized to all Intents Constructions & purposes whatsoever, & from hence forth and all times hereafter, shall be Entitled to have & enjoy all the rights Liberties Priviledges & Advantages which his Majesty's Natural born Subjects in the Said Colony have & Enjoy, or Ought to have & Enjoy, as fully to all Intents & Purposes whatsoever, as if the Said Abraham Huisman John Grondain Jacob Boss Frederick Becker, Johannes Vedderlin Coenraet Rightmeir Johannes Spaler Zacharias Haber Peter Craller & Johannes Van Wyck, had been born within his Majesty's Said Colony of New York. Provided always & it is hereby further Enacted by the Same Authority, That the Said, Abraham Huisman John Grondain Jacob Boss Frederick Becker, Johannes Vedderlin Coenraet Rightmier, Johannes Spaler Zacharias Haber Peter Craller & Johannes Van Wyck and every of them Shall take the Oaths appointed by Law Instead of the Oaths of Allegiance & Supremacy. Subscribe the Test and make repeat Swear to and Subscribe the Abjuration Oath, in any of his Majestys Courts of Record Within this Colony, which Oath the Said Courts are hereby required upon Application to them made to Administer take Subscriptions and Cause the Name or Names of the Said Person or Persons so Swearing and Subscribing, To be entered upon Record in the Said Court And the Said Abraham Huisman John Grondain Jacob Boss Frederick Becker Johannes Vedderlin Coenraet Rightmier, Johannes Spaler Zacharias Haber Peter Craller and Johannes Van Wyck are Each of them hereby required to pay the Several Sums hereinafter mentioned, That is to Say, to the Speaker of the General Assembly, the Sum of ten Shillings, to the Judge of the Court the Sum of Six Shillings, and to the Clerk of Such Court the Sum of three Shillings.

And be it futher Enacted by the Authority aforesaid That if the Said Persons or any of them having so Sworn & Subscribed

as aforesaid Shall demand a Certificate of his or their being Entered upon Record in the Manner herein before directed, the Court or Courts in which Such Oaths & Subscriptions Shall be made are hereby directed and required to Grant Such Certificate under the hand of the Judge & Seal of the Said Court or Courts in which Such Oaths & Subscriptions as afore said Shall be made counter Signed by the Clerk of the Said Court, For which Certificate Each of them Shall pay over & above the Sums before mentioned, The Sum of Six Shillings one half to the Judge of Such Courts & the other half to the Clerk thereof, Which Certificate or Certificates Shall at all times be to the Person or Persons therein Named a Sufficient proof of his or their being Naturalized by Virtue of this Act, in as full and Effectual a manner as if the Record afore said was Actually produced by the Person or Persons so Named in Such Certificate, Provided also and Be it further Enacted by the Authority aforesaid that Such of the Persons hereby Naturalized as Shall not take the Oaths Test and Abjuration in Manner herein before directed within Nine months after the Publication hereof Shall have no manner of benefit by this Act, anything therein contained to the Contrary notwithstanding.

[CHAPTER 606.]

[Chapter 606 of Livingston & Smith and Van Schaack, where the act is printed in full.

An Act for Regulating the Rutts of Waggon in Dutches County

[Passed, June 22, 1734.]

BE IT ENACTED by his Excellency the Gouvernour Councill and General Assembly and it is hereby Enacted by the Authority of the same that after the first day of May which will be in the Year of our Lord one thousand Seven hundred and thirty five all waggons which shall be used in any of the Highways in Dutches County shall be so made that the Space between the Rut or Tract which they shall make Shall be from the outside of the Wheel to the outside of the other Wheel four foot and Ten Inches English Measure and no more or no less upon the penalty of twenty shillings Current momey of this Colony to be recovered before any of his Majesties Justices of the Peace where the fact shall happen to be Committed, at the Suit and to the profit of him or them that shall Inform or Sue for the same Provided

that all Persons Subject by this Act to any of the PENALTIES or forfeitures therein mentioned shall on default be legally Summoned to appeare and be heard before Judgment given

[CHAPTER 607.]

[Chapter 607 of Livingston & Smith and Van Schaack, where the act is printed in full. In part repealed by second paragraph 2 of ch. 654.]

An Act for Regulatcing the Choice of a Representative for the Mannour of Cortlandt in the County of Westchester.

[Passed, June 22, 1734.]

WHEREAS his late Majesty King William the Third of Glorious Memory by his Letters Patent Under the Great Seal of the Colony of New York bearing Date the Seventeenth Day of June in the Ninth Year of his Reign Did Among other Things Grant unto Collo Stephanis Van Cortlandt Since Deceased and to his heirs and Assigns for Ever the Right Liberty and Priviledge of Returning and sending a Discreet Inhabitant in and of the Said Mannour to be a Representative of the Said Mannour in Every Assembly (after the Expiration of the Terme of Twenty Years from the Date thereof) to be Summoned and Holden within this Province which Representative so returned and Sent Should be received into the house of representatives of Assembly as a Member of the said house To have and Enjoy Such Privileges as the other Representatives returned and Sent from Any of the other Countyes and Mannours of the said Province have had and Enjoyed in Any former Assembly holden within the Said Province as in and by the Said in part Recited Letters Patent may more fully Appear AND WHEREAS Pursuant to a Writt lately Issued to the ffreholders of and in the Said Mannour to Elect and Chuse Such Fit Person to Represent them in the present General Assembly Philip Verplank of the said Mannour Esqr. hath been Elected and Returned as such But in as much as the heirs of the Said Stephanus Van Corlandt by reason of the said Mannors Remaining Undivided among them and otherwise had not not Untill very lately Asserted and Claimed their Said Priviledge and there not Being Sufficient provision made in the Said Grant for the Regulating and Orderly Chuseing Such Representatives Some Debates and Controversies did arise in the house of Representatives upon the Return made to them of the Choice of

the Said Philip Verplank as aforesaid and thereupon for the more Regular Admission of the Said Philip it was Ordered he Should have leave to bring in a Bill for that purpose wherefore and to the End Such Representative may be the more Orderly and Duly Elected for the future Be it Enacted by his Excellency the Governour the Council And the General Assembly of the Said Colony And it is hereby Enacted by the Authority of the same That the Election and Return of the Said Philip Verplank as aforesaid Shall and is hereby approved of And Confirmed And the said Philip Verplank is Accordingly hereby Admitted and Declared to be a Representative of the said Mannour of Courtlandt And as Such to Serve in the present house of Representatives and Invested with the Same and like powers and Privileges As any other Member of the Said house hath or Ought to have Provided he the said Philip Verplank do first Qualifie himselfe by taking the Oaths appointed by Law as the other Members of this house have done before he be admitted to Act as such AND be it further Enacted by the Authority aforesaid That from henceforth and for Ever hereafter it shall and may be Lawfull to And for the ffreeholders of the Said Mannour of Courtlandt (when and as often as need Shall be and required, to Assemble and meet together in the Said Mannour at Such time and place as the Constable or other Returning Officer or Officers of the said Mannour for that purpose Shall Direct And Appoint And then And there by plurality of Voices of the ffreeholders to Elect Chuse and Send a Fitt and Discreet Inhabitant and freeholder of and in the Said Mannour to be a Representative of the Said Mannour in Every General Assembly hereafter to be Summoned and holden within this Colony which Inhabitant And ffreeholder so to be chosen from time to time to Represent the Said Mannour is hereby Declared to be A Member of the General Assembly of this Colony and to be Received into the house as such And Be it further Enacted by the Authority aforesaid That the Returning officer or officers of the Said Mannour for the time being Shall and is hereby fully Impowered and Authorized to take the Votes of the ffreeholders of the Said Mannour upon Every Election hereafter to be made and to proceed in all Disputes and Controversies which may happen to Arise thereupon And Administer Such proper Oaths as by Law are Appointed or Shall be Appointed for that purpose in the Same and like Manner as the Sheriffs of any County within this Colony is or shall

be Impowered to do PROVIDED And be it Enacted by the Authority aforesaid That the freeholders And Inhabitants of the Said Mannour of Courtlandt Shall at all times pay the wages of their own Representative And that Nothing herein Contained Shall Exempt them from paying their Due And Equal proportion of the Wages of the Deputies or the Representatives for the County of Westchëster And of all other the Annual Publick And Necessary Charges of the Same County

[CHAPTER 608.]

[Chapter 608 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 588.]

An Act for the better Explaining and more Effectuall puting in Execution the Act of Generall Assembly therein mentioned

[Passed, June 22, 1734.]

FOR the better Explaining and rendering Effectuall one Act of Generall Assembly Entitled an Act to Enable the Justices of the Peace in Ulster County to Build a Court House and Joal for the said County and to Enable them to dispose of the old County House and Joal and the Lot of ground it stands on and to Enjoyn the Supervisors to raise the Charge of Executing the Negro therein mentioned made in the sixth Year of his Majestys Reign and still in force.

BE IT ENACTED by his Excellency the Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the same that it shall and may be Lawfull for the said Justices of the Peace or the greater number of them at any time after the publication of this Act to raise levy and collect of from and upon all and every Freeholders Inhabitants and Sojourners within the said County at such time and times as to them or the GREATER Number of them shall Seem most Convenient either in one or more Taxes a Sum not exceeding the sum of five hundred pounds according to the Assessment last made by the Assessors for the said County or on any assessment by the Assessors of said County to be made to be levyed for the uses aforesaid and the Justices aforesaid are hereby authorized and Impowered to direct their Warrents or precepts to the Collectors of the said County for the time being for levying and Collecting the same anything in the beforerecited Act to the Contrary hereof in any wise notwithstanding

[CHAPTER 609.]

[Chapter 609 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for discharging a Certain Obligation entered into by Cornelius Cuyler of the City of Albany Merchant to the Treasurer of this Colony.

[Passed, June 22, 1734.]

WHEREAS Cornelius Cuyler of the City of Albany Merchant Sometime on or about the fifteenth day of October in the year of Our Lord, One thousand Seven hundred and twenty-nine, Entred into an Obligation to the Treasurer of this Colony for the Sum of One hundred and Eighty Pounds currant mony of this Colony to be paid to the Said Treasurer on Demand for certain Fines and forfeitures mentioned in Sundry Acts of Assembly of this Colony relating to the Indian Trade at Oswego, all which Said Acts and every of them were by his Majesty in Council repealed on the Eleventh day of November in the aforesaid year of Our Lord One thousand Seven hundred and twenty nine.

BE it therefore Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the before mentioned Bond or Obligation for the Sum of One hundred & Eighty pounds currant mony of New York, So entered into by the Said Cornelius Cuyler on the Said fifteenth day of October in the year of Our Lord one thousand Seven hundred and twenty nine, Be and is hereby directed to be Canceled by the Said Treasurer and that the Said Cornelius Cuyler his Heirs Executors & administrators and every of them be & hereby are forever discharged released & acquitted of the Said Bond or Obligation, and of all & every other Fines and forfeitures where unto he or they have or may have been liable by the Said repealed Acts or any of them in as full & ample manner as if the Said Bond or Obligation had not been entered into by the Said Cornelius Cuyler or any other Fines or forfeitures had been by the Said Acts or any of them Imposed any Law Usage or Custom to the contrary hereof in any ways notwithstanding. And whereas the Said Treasurer upon the Said Cuylers Executing the Obligation above mentioned did give the Colony Credit for the Said Sum of one hundred & Eighty pounds BE it Enacted by the Authority aforesaid that the Said Treasurer Shall &

may & hereby is allowed to recharge the Colony & Credit himself in his Accounts for the Said Sum of One hundred & Eighty pounds which he was to have received of the said Cornelius Cuyler by virtue of the Said Obligation hereby directed to be Cancelled, any Law Usage or Custom to the contrary hereof in any ways notwithstanding.

[CHAPTER 610.]

[Chapter 610 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 615. Expired December 1, 1734.]

An Act for Fortifying the City of
Albany, Schanegtade And Other Places in
the County of Albany.

[Passed, June 22, 1734.]

WHEREAS the building and erecting a Stone Wall round the City of Albany (tho already begun) will be a work of time and of great expence and cannot be so Suddenly made and finished as to be of defence to the Said City in case of a Sudden Rupture between the Crowns of great Brittain and France and therefore it is necessary with all Speed to Fortifie the Said City with Stockadoes to resist any Sudden Attempt that may be made on the Same, BE it therefore Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, that the Mayor Recorder and Aldermen of the Said City or the Major part of them for the time being, bee and hereby are fully Authorized Impowered and Required to cause the Said City to be Fortified with Stockadoes So that the Same be Compleated and finished on or before the first day of December next Ensuing, And for the more orderly Proceeding in the Said fortifications, Be it Enacted by the Authority aforesaid, that the said Mayor Recorder and Aldermen of the Said City for the time being or the major part of them, be and hereby are fully Authorized Impowered & Directed within Twenty dayes next and after the Publication of this Act, to Assemble and meet together at the City hall of the Said City, and at Such other times and places as unto them or the major part of them Shall Seem meet, and then and there Consider together What Number of Stockadoes will be required to fortifie the Said City, and in what time the Same can & ought to be Set up, and in persuance thereof the Said Mayor Recorder & Alder-

men for the time being or the major part of them are hereby directed to cause to come before them or the major part of them, The Assessors of the Said City, and then & there to order them Joyntly to assess on all & every the freeholders Inhabitants & Sojourners of and in the Said City, Such number of Stockadoes as they Shall be so directed to assess Which they are to do in equal Proportions according to their respective Estates, & to be by them respectively furnished & Provided brought to the Said City and Set up there at their respective proper cost & charges in Such place and places round the Said City, as by the direction aforesaid Shall be found convenient, and the Said Assessors Shall take an Oath before the said Mayor Recorder & aldermen of the Said City, for the time being or the Major part of them, That they Shall well truly & Impartially assess the number of Stockadoes so ordered to be assessed as aforesaid on the respective freeholders Inhabitants & Sojourners of and in the Said City according to their Respective Estates, and which Said Oath the Said Mayor Recorder & Aldermen or the major part of them, are hereby Impowered to administer And the Said Assessors are hereby directed to make return of their Said Assessments, under their hands unto the Said Mayor Recorder & Aldermen or the major part of them, at Such time and place as the Said Mayor Recorder & Aldermen Shall direct & appoint, And if any of the Said Assessors shall neglect or refuse to make Such Assessment and return the Same in manner aforesaid, Every Such Assessor so offending Shall forfeit the Sum of ten pounds Currant money of this Colony, to be Employed for & towards the fortifying of the Said City & to be recovered in any Court of Record by Bill plaint or Information wherein no Protection wager of Law or more than one Imparlance Shall be allowed, And be it further Enacted by the Authority aforesaid that the Said Mayor Recorder & Aldermen are hereby directed next and after the term of Six days after the return of the Said Assessment to them made to give notice in writing to the respective freeholders Inhabitants & Sojourners of the Said City, of the number of Stockadoes they are respectively rated at together with the time and place when & where they are to Set them up, and in case any person or persons within the Said City after Such notice given Shall refuse or neglect at his & their own proper cost and Charges to furnish Provide & set up Such and So many Stockadoes, as he or they Shall have been so Assess'd at according to the notice aforesaid,

he or they shall forfeit for Each Stockado not Brought & Set up as aforesaid, the Sum of three Shillings Currant mony of this Colony to be Recovered before any one Justice & to be Employed to and for the use of the Fortifycations of the Said City by the Said Mayor Recorder & Aldermen or the major part of them, PROVIDED allways that if any Person or Persons within the Said City, have already furnished and Provided any Number of Stockadoes for the use aforesaid, That the Same Shall be deemed Esteemed & taken as part of the Number they or any of them shall be assessed to furnish by Virtue of this Act.

AND be it further Enacted by the Authority aforesaid that for the Providing of Carriages for the great Guns building of Ram-pers and Gates for the Said City, there be assessed raised levied Collected and paid by the Freeholders of the County of Albany (those of the City of Albany Town of Schonegtade, and the Plantations above the Said Town on the Mohaks River excepted) the Sum of one hundred Pounds Currant mony of this Colony, so that the Same be paid to the Treasurer of the Said County on or before the first day of April next Ensueing the Publication of this Act.

And for the more Regular assessing raising levying and Collecting of the Said Sum of One hundred Pounds, BE it Enacted by the Authority aforesaid that the Supervisors dwelling within the respective mannors & precincts of the Said County (Except The Supervisors of Albany and Schonegtade) or the Major part of them, Shall at their next Annuel Meeting ad to their Respective Quotas of that Years County Charge so much as their & Each of their Respective Quotas, of the Said One hundred pounds Shall amount to, Which being so done is to be Included in the Warrant and Warrants to be Issued by them, for the Publick & Nesesary Charges of the Said County for that Year, And both the Said Sums are to be Assessed in the Same manner and at the Same time as other the Said County Charges are Assessed, and the Same being so Assessed, the Supervizors aforesaid are hereby Required by Warrants under their hands & Seals Directed to the Several Collectors of the Said County (Except as before Excepted) to Geather & Collect the Mony so Assessed as aforesaid within the Mannors & Districts aforesaid, in the Same Manner & Method and under the Same Rules Powers and Penalties as is provided for Collecting the Said County Charges, So as that the Said One hundred pounds be Effectually paid to the Treas-

urer of the Said County, on or before the first day of April next Ensuing, and in Such Assessments so to be made as aforesaid, there is to be added nine pence on every pound, for the Collector thereof, as also Six pence on the pound for the Treasurer, to the End the before-mentioned Sum of one hundred pounds, may Effectually be paid to the Said County Treasurer for the Uses aforesaid.

BE it further Enacted by the Authority aforesaid, That the Said Treasurer Shall pay & Issue the Said Mony upon Such Warrant or Warrants as Shall be Tendered to him, Under the hand & Seal of Colonel Myndert Schuyler Colonel Phillip Schuyler & Colonel Jeremiah Rensselaer, or any two of them, who are hereby appointed Authorized and Impowered to Imploy the Same, to and for the Uses herein before Mentioned, and to and for no other Use or Purpose whatever.

AND whereas the before Mentioned Town of Schonegtade is so Scituated, That if the Same were Stockaded Round, It would be very Inconvenient for Some of the Inhabitants thereof, And whereas the Same can be done in a few days, BE it Enacted by the Same Authority, That in Case of Such a Rupture as aforesaid, or upon any other Emergency the Justices of the Peace and the Comission Officers of the Militia Residing within the Said Township, or the Major part of them, Shall judge it Necessary to Stockado the Said Town a round, The Same is to be done & performed with all Expedition Accordingly, By all and every the Freeholders Inhabitants & Soujourners Living and Residing within the Said Township, And the building of Blockhousen & making the old Church usefull for Defence, is to be done and performed by them in Like manner, When the Said Justices and Officers, or the greater Number of them Shall think it proper & Necessary in the Same Manner & in the Like proportion, as in this Act is ordered and directed for the Stockadoing & fortifying of the City of Albany, and for these purposes the Same Power, which in that behalfe is herein given to the Mayor Recorder & Aldermen of the Said City, or the greater Number of them, And the Like Dutys Required of the Assessors thereof is hereby Vested in the Justices of the Said Township or the Major part of them, and the Like Dutys Enjoined on the Assessors thereof, Who in Case of Failure Neglect or Refusal, Shall be Subject to the Same & the like penalties, in as full & ample Manner to all Intents Constructions and Purposes whatever, as if those Powers

Dutys & Penalties had in this Clause been Repeated at Large, And the Penalties which may arise by means thereof Shall be Imployd for & Towards Fortifying the Said Town of Schonegtade.

And for as Much as it is highly Reasonable That in Case of Such a Rupture as Aforesaid, the Inhabitants of the out Neighbourhoods & Plantations in the Said County of Albany, Should be at Liberty to make Some Fortifycations for their Defence, BE it Enacted by the Same Authority, That the Inhabitants of every Such Neighborhood & Plantation Shall Respectively have full Liberty & Power to Erect Build & make Such & so Many Block-housen or other Fortifycations at such Place & Places & at the Joint Cost and Labour & Charge of Each Such Neighbourhoods & Plantations, as They Respectively or the greater Number of them, Shall agree to be most proper for their own Security and Defence, Which however is not to Exempt them in Case of a General Allarm from appearing when & where the Captain General or other their Superiour Officers Shall Command & Require.

(CHAPTER 611.]

[Chapter 611 of Livingston & Smith, where the act is printed in full. Chapter 611 of Van Schaack, where the title only is printed. Continued by chapter 622.]

An Act to Lay a Duty of Tonnage on the Vessells and for the time therein Mentioned.

[Passed, June 22, 1734.]

WHEREAS it is found by Experience That ever Since a Duty of Tonnage heretofore Layd on Vessels Trading into and out of this Colony, has been Discontiued, the Number of our own Shipping has Decreased to Such a Degree that at present the Vessels of other Ports are become almost our only Carriers.

And Whereas in most or all Other Brittish Colonys a Greater Duty is Imposed on Vessels not belonging to themselves than those belonging to their own Inhabitants, tho under the Name of Powder Mony or Some other Denomination.

And Whereas it is Evident That Vessels Built or Owned here are of far Greater Benefit to the Ship wrights in perticular & to the Inhabitants in General, than a much greater Number of Strangers coming Hither for Freights, Because the Mony Earned by them is carryed out of the Colony, Whereas the Earnings of our own Vessels and of those that Navigate them Remains and Circulates Amongst us.

And Whereas Nothing can Contribute more to Retrieve the Languishing State of our Trade, than the Encrease of our own Shipping and Navigation, Be it Enacted by the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the same, That there be & hereby is given and Granted unto his Majesty his heirs & Successors, to and for the Use herein after Mentioned, and to & for no Other use or purpose Whatsoever a Duty of Tonnage for the Term of Six years to Commence on the first day of July in this present year one thousand Seven hundred & thirty four, on all Vessells that Shall during that time Trade in this Colony or bring in or carry out of the Same, any Goods Wares or Merchandises upon Freight or otherwise, The Quantity of Seven penny Weight & twelve Grains of Sevill Piller or Mexico Plate or the sum of three Shillings in Bills of Credit made Currant in this Colony, for every Tonn Such Vessel & Vessels Shall Measure. According to the Rule hereinafter Mentioned, Except on the Vessells herein perticularly Excepted.

And be it Enacted by the Authority aforesaid, That the following Vessells Shall be Exempted from the Said Duty of Tonnage to wit, all Vessels built within this Colony: all Vessels wholly owned by the Inhabitants of the Said Colony & the Inhabitants of Great Brittain: all coasting Vessels Westward & Southward as far as Cape Henlopen, and Eastward as far as New Hampshire Including the Same, & all Whaling Vessels during the time Such Vessels are Employed in Coasting or Whaling.

And be it further Enacted by the same authority That of all Vessels built out of this Colony whereof the Inhabitants of the Said Colony shall Bona Fide have owned in their own Right one Quarter part or more, before the first day of May Last Past, the Part or Share So owned by Such Inhabitants Shall be Exempted from the Said Duty of Tonnage Whilst the Property thereof Remains in Such Inhabitants: But the Part of Such Vessels not so owned Shall be liable to the Said Tonnage Unless belonging to the Inhabitants of Great Brittain.

And to the End the Dementions of the Vessels hereby Made Subject & Liable to Pay the Said Duty of Tonnage, may be know with the Greater Ease, Be it Enacted by the authority aforesaid, That Every Master or Commander of Vessels so Liable to the Said Duty, Shall within three days after the arrival of such Vessel in this Colony make Report of the Dementions thereof to the

Person herein after appointed to Receive the Said Duty of Tonnage, and at the Same time Make Oath before him, (or if a Quaker an Affirmation) in Form following, to wit. I

Master

or Commander of the

do Swear or (affirm) that her Length from the Forepart of the Taffril to the Forepart of the Stem is

and that her Breadth upon the Deck at the Midship Beam from the outside Planks on both Sides is

and no

more. And if She have two Decks the Depth between Decks Shall be added which Form being Entered in a Book to be Kept for that purpose the Blanks thereof are properly to be filled up, and being Sworn or affirmed to by Such Master or Commander he is Likewise to Sign the Same.

BE it Enacted by the Authority aforesaid That if any Master or Commander of Vessels hereby Liable to pay the Said Duty of Tonnage Shall Neglect or Refuse to Make Report on Oath or Affirmation in Manner and within the time before Mentioned, it Shall be Lawfull for the Person Qualified to Receive the said Duty to Cause a Sworn Ship Wright or other fit Person on Oath to Repair on board of Such Vessel Immediately to Survey & take the Exact Dementions of Such Vessel & Compute the Contents of her Tonnage according to the Rule hereinafter prescribed, and to make Report thereof to him accordingly And the Master or Comander of Such Vessel or Vessels Shall be Subject and Oblig'd to Pay not only the full Duty of Tonnage, But likewise the Charge of Surveying which However Shall not Exceed the Sum of Ten Shillings in Bills of Credit made Currant in this Colony.

And to prevent Frauds in Making such Reports as aforesaid. BE it Enacted by the Same Authority That if it Should be Suspected a Short Report hath been Made of any Vessel Subject to the Said Duty of Tonnage, It Shall be Lawfull for the Officer Qualified to Receive the Said Duty, Either personally or by a fit Person on Oath to Survey & Measure the Vessel So Suspected, & if it be found She hath been Reported Short, the Master or Comander thereof who made such Short Report Shall Forfeit for Every ton so Reported Short Two ounces of Plate to be Recovered & applyd as Shall herein after be Directed.

BE it further Enacted by the Same Authority That the Said Duty of Tonnage of all & every Vessel by this Act Subject to pay the Same, Shall be payd by the Respective Masters or Com-

anders thereof within Six Days after her Arival in this Colony. And every Master or Comander of Such Vessels as Shall fail to make Such Report or Payment as aforesaid within the Respective times above Mentioned, Shall forfeit unto his Majesty his heirs & Successors two ounces of Plate for every Ton Such Vessel Containeth, to be Recovered in a Sumary way upon the Oath of one or more Credible Witnesses, before any two Justices of the Peace in this Colony, whereof one to be of the Quorum, two thirds whereof for Such use or Uses as the Said Duty of Tonnage is or Shall be applyed to, and the other third for the Person that Shall Sue for and Recover the Same.

And to Prevent Disputes concerning the Contents of Vessels hereby made Liable to the Said Duty of Tonnage, BE it Enacted by the Authority aforesaid, That the same Shall be computed in Manner following That is to Say, of the Length from the Forepart of the Taffrel to the forepart of the Stem Three fourths Shall be Deemed the Length of her Keel, which Shall be Multiplied by her Breadth upon the Deck at the Main or Midship Beam from the Outside Planks on both Sides, and the Product thereof Shall be Multiplied by half of the said Breadth, Which shall be Deemed the Depth of her Hold & the Whole Divided by Ninety five, and the Quotient of such Division Shall be the Contents of the Tonns of Such Vessel if She have only a Single Deck. But if She have two Decks one half of the depth between decks shall be added to the Depth of the Hold: and the Same being Multiplied in the Manner above directed the whole is to be Divided by the said Number of Ninety five, & the Quotient of Such Division Shall be the Contents of Tonns of a two Deck Vessel.

And to the End that the Good Intent of this Act may not be Defeated. Be it Enacted by the Authority aforesaid, That if any Officer belonging to his Majestys Customs in this Colony, Shall Clear any Vessel by this Act Liable to the Said Duty of Tonnage, before it Shall appear to Such Officer by a Certificate or Receipt Under the hand of the Person hereby appointed to Receive the Said Duty, That the Same is Payd & Discharged for Such Vessel, Every Such Officer of the Customs so Clearing Such Vessel without Such Certificate or Receipt as aforesaid Shall forfeit & Pay double the Sum that ought to have been payd for the Tonnage of Such Vessel so Cleared Contrary to the Meaning of this Act, to be Recovered & applyd in Manner as aforesaid.

Be it further Enacted by the Authority Aforesaid, That Abraham depeyster Esq'r the present Treasurer of this Colony or the Treasurer thereof for the time being Shall be and hereby is appointed Authorized & Impowered to Receive & Collect the Duty of Tonnage to arise by Virtue of this Act, to Administer the Oaths, or affirmations & Receive the Reports before mentioned, & to do and perform all other Acts proper & Necessary for Securing & Collecting the said Duty, and upon Receiving it from any Master or Comander, He is to give a Certificate or Receipt unto him or them for the Same Gratis, But for the Report & Oath or Affirmation above mentioned he may Demand & Receive one Shilling & no more, And he is hereby Enjoyned to Keep Exact Books of the Said Duty of Tonnage, and of what Shall from time to time arise by the Same, and to Render accounts thereof upon Oath to the Governor, Council & General Assembly when by them or any of them thereunto Required.

And be it Enacted by the Authority aforesaid, That all the mony to arise by Virtue of this Act, Shall Remain in the Treasury of this Colony, Untill the Same shall be appropriated for Erecting Fortifications in the Said Colony, and to no other use or purpose whatsoever, in Such manner as by Act or Acts of the General Assembly hereafter to be passed for that purpose Shall be Ordered and directed, at which time a Reasonable reward Shall be allowed for Receiving and Issuing of the Said Mony.

[Chapter. 612.]

[Chapter 612 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1744. Provided for, and extended by chapter 784.]

An Act for Regulating the Rates to be taken for Ships & other Vessels Using the Wharff Called Burnetts Key In the City of New York.

[Passed, June 22, 1734.]

WHEREAS the Proprietors & owners of the Wharff Called Burnetts Key in the City of New York, by their humble Petition to the General Assembly, have Set forth that to prevent all Disputes & Controversies which may arise upon what is Reasonable to be Received for the use of the Said Wharff, from Ships & Vessels Using them, They were Desireous to Submit the Rates thereof to be Regulated by the Legislature & humbly prayed that the Same might be Regulated Accordingly.

BE IT THEREFORE ENACTED by the Governor Council & General Assembly, And it is hereby Enacted by the Authority of the Same, That from & after the time herein after Mentioned, it Shall and may be Lawfull for the Proprietors & Owners of the Said Wharff, to take for the Use of their Said Wharff the Rates following to witt.

For Each Ship Brigantine Sloop Scooner or other Vessel of Sixty Tonns or upwards, Whilst Carreening, Loading or Unloading at the Said Wharff every day the Sum of Six Shillings Current Mony of this Colony. For each such Vessel not Loading Unloading or Carreening but lying fast to the Said Wharff under a week, after the rate of two Shillings for Each day.

For Every day more than a Week one Shilling & Six pence.

BE it provided & Enacted, that all Such Vessels only lying fast to the Said Wharff Shall move off at any time to Suffer a Vessel to Load Unload or Carreen on Failure whereof after Request they Shall pay Such Rates afterwards for the Use of the Said Wharff, as the Vessel would have paid, which was really and Bona fide Intended to be Loaded Unloaded or Carreened there.

BE it further provided & Enacted that all Vessels that Shall make fast to Vessels that are fastned to the Wharff, and Shall so Lye fastned, or Load or Unload or Carreen, Shall pay half the Rates as if they were fastened to the Wharff or there Loaded, Unloaded or Carreened.

AND Be it further Enacted that all Vessels under Sixty tonns Burthen & of Twenty five Tonns & Upwards, Shall pay for Lyeing fast and for Loading Unloading & Carreening, one half of the Rates for the purposes here before Set forth.

AND all Vessels under Twenty five Tonns, for Lying fast or loading Unloading or Carreening, one fourth part of the Rates for the purposes herein before Set forth.

BE it hereby further provided & Enacted that all Coasting Vessels not being Actually Loading unloading Or Carreening, Shall upon Request move off & Suffer any Sea Vessel or Vessels Paying a higher rate to come in her place. On failure whereof Such Vessel Shall Afterwards Pay Such rate & rates as the Vessel would have paid, which was really & Bona fide Intended to be Loaded, Unloaded, or Carreened there.

AND be it Enacted by the Authority aforesaid that the Owners or Proprietors of the Lott adjoyning to the Eastward of the Said

Wharff as far as Maiden Lane Slip, Shall be Entituled to the Same Rates & Wharfage as is herein before Established. Saving to the City of New York the Right they have to the Slips, to the Eastward & Westward of the Wharff aforesaid, and likewise to the Wharfage of the Said Slips, anything herein Contained to the Contrary Notwithstanding.

BE it also Enacted by the Same Authority that in Case any Master or owner whose Vessel hath made use of the Said Wharff shall refuse to pay the Rates herein before Established, then & in that Case the Same Shall be recovered before any one Justice of the peace, upon the oath of one or more Credible witnesses, provided the Sum so demanded or Sued for doth not Exceed the Sum of forty Shillings, This Act to be of force from the first Day of July in this present year, one Thousand Seven hundred and thirty four, Untill the first Day of December which will be in the Year one Thousand Seven hundred & fourty four.

THE TWENTIETH ASSEMBLY.

Eighth Session.

(Begun Oct. 17, 1734, 8 George II, William Cosby, Governor.)

[Chapter 613.]

[Chapter 613 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 597. Continued by chapter 627.]

An Act for the further Continuing an Act, Entituled an Act, to Let to Farm the Excise of Strong Liquors Retailed in this Colony, for the time therein Mentioned and for Declaring Shrub Liable to the Same Duties as Distilled Liquors

[Passed, November 13, 1734.]

WHEREAS an Act of General Assembly of this Colony, Passed in the Second year of his Majesties Reign Entituled an Act to Let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein Mentioned, and for Declaring Shrub Liable to the Same Duties as Distilled Liquors, has by Subsequent Acts been Continued to be of force until the First Day of November next Ensuing, and it being Necessary the Same Should be further

Continued, In order to Let the Said Excise to the best advantage, Be it Enacted by his Excellency the Governour, Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That the above mentioned act, Entituled an Act to Let to Farm the Excise of Strong Liquors Retailled in this Colony for the time therein mentioned, and for Declaring Shrub Liable to the Same Duties as Distilled Liquors, Shall be, and hereby is further Continued, and every Clause article and thing therein Contained from the first day of November next Ensuing until the first day of November, which will be in the year of our Lord one Thousand Seven Hundred and thirty five, Excepting only Such part thereof as Shall by this act be otherwise provided for And Inasmuch as Some of the Commissioners appointed in the Said Act to Let to Farm the Said Excise have Departed this Life, and others been Exchanged, Be it Enacted by the Authority aforesaid, That the Persons hereinafter Named Shall be the Commissioners, to Let to Farm the Said Excise in the Several Cities and Countys of this Colony That is to say.

For the City and County of New York Collo. Robert Lurting & Mr. William Sharpas

For the County of Suffolk David Corey Esq.

For Queens County Richard Betts Esq. & Mr. Joseph Smith.

For Kings County Ryck Suydam Esq. & Mr. Peter Lefferts.

For Westchester County William Forster Esqr. & Silvanus Palmer.

For Ulster County Mr. William Elting & Jacob ten Broek Esq'r.

For Dutchess County Jacobus Terbos Esq'r. & Mr. Francis filkin.

For Richmond County Mr. Adam Mott & Mr. Joseph Beadle.

and For Orange County Daniel Denton & Abraham Haring Esq'r.

And be it further Enacted by the Authority aforesaid, That the Several Persons above named, Shall be & hereby are Impowered and Required to Let to Farm the Said Excise in the Cities & Counties for which They are Respectively appointed by Publick out Cry Auction or Vendue, to the highest Bidder, within Twenty Days next after They Shall have Notice or Information that They are so appointed as aforesaid, They first fixing up Advertisements of the time and place when and where the Said Excise is to be Let to Farm, In the Same Manner as in and by

the act aforesaid is ordered and Directed, and in all other matters Relating thereto, be Obliged to observe and perform all other Directions Required by the Said act to be Observed and performed by the Commissioners thereby appointed

And whereas the Excise of the City & County of Albany was Let to Farm for the year One thousand Seven hundred & thirty two at one hundred & Seventy Six pounds and for the year following at no more than Sixty Six pounds Eleven Shillings and Six pence, And whereas Mr. John De Peyster has offered to the General Assembly to Pay for the Said Excise from the first day of November in the present year one thousand Seven hundred & Thirty four, to the first of November One Thousand Seven hundred & Thirty five the Sum of One hundred & forty pounds currant mony of this Colony. BE it Enacted by the Authority aforesaid that the Said John De Peyster shall be and hereby is made & Declared the Farmer of the Excise in and of the Said City and County during the year above Mentioned, and that he or his Assigns Shall be Entitled to all the Benefits, and be Vested with all the Powers & Authority's in the Said City and County, which by the Act above Mentioned is given and allowed to Farmers of the Excise in any other City and County within this Colony, and the Said Mr. De Peyster is hereby (according to his further offer) Enjoyed Immediately after the Publication of this Act, to Enter into Recognizance to his Majesty with Sufficient Securitys, in the Penal Sum of two hundred and Eighty pounds Conditioned That he Shall well and truely Pay to the Treasurer of this Colony the Sum of Seventy pound on or before the first day of May next Ensuing and the Like Sum of Seventy pound in Mony as aforesaid on or before the first Day of November then next following. And be it further enacted by the Authority aforesaid that in case of the death or refusall of any of the Said Commissioners to execute the powers and authoritys hereby given them It shall and may be lawfull to and for any three of his Majesties Justices of the peace (whereof one to be of the Quorum) for each respective County where Such death or refusal Shall happen to Nominate and appoint Such other person or persons as they Shall think fitt to be Commissioner or Commissioners in the stead and place of the person or persons So dying or refusing as aforesaid.

[CHAPTER 614.]

[Chapter 614 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1737. Provided for by chapter 785.]

An Act to Lay a Duty on Empty Cask Imported in the City of New York, during the time therein Mentioned.

[Passed, November 13, 1734.]

WHEREAS it has by Experience been found that the Constant Importing from the Neighboring Colonies into the City of New York, Large Quantities of Empty Cask Which often are not good in their Kind, tho the Materials to make them of, as wel as most Necessaries for Family's are much cheaper in the Country than in a City, has been & Still is of Such Vast prejudice to the Coopers Inhabiting in the said City, for want of Imployment in their Trade, that many of them, if no remedy be Provided, will Soon be laid under the Necessity Either to remove out of the Said City, or to quit their Occupation, which of Consequence would tend to the great Discouragement of the Trade & Navigation of the Said City in General, and of the Coopers Inhabiting within the Same in perticular.

BE it therefore Enacted by the Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That on all new Empty Cask Imported from the Neighboring Colonies, into the City of New York, from & after the Publication of this Act, and until the first Day of December, which will be in the year one Thousand Seven hundred & Thirty Seaven, there Shall be paid unto his Majesty his heirs & Successors for the Uses herein after Mentioned, the Rates & Duties following, That is to Say.

For Every Such hogshead the Quantity of three penny weight & Eighteen Grains of Pillar Civil or Mexico Plate, or one Shilling & Six pence in Bills of Credit made Currant in this Colony.

For Every Tight Tearce the Sum of Twelve pence in like mony.

For Every Tight Barrel or other Smaller Tight Cask the Sum of nine pence in Like mony.

For Every Flower or Bread barrel the Sum of one Shilling in Like mony.

And for Every Flower or Bread half barrel the Sum of Seaven pence half penny in Like mony.

And for the Effectual Payment of the Said Duty. BE it Enacted by the Authority aforesaid, that Francis Sylvester Edward Man & John Thurman Shall be & hereby are appointed the Officers to Collect the Said Duty Either jointly or Severally; And they & each of them are hereby fully Authorized Impowered & Required to receive Collect & Gather in the Said Duty of & from Every Owner or Importer of Such New Cask into the City of New York as aforesaid During the time above mentioned.

BE it further Enacted by the Same Authority, That the Said officers and Either of them, Shall be & hereby are Enjoined Obligated & Required to Pay, half yearly one half of the Mony to Arise by Virtue of this Act, unto the Treasurer of this Colony, who is to apply the Same Towards the Support of his Majestys Government in and over the Said Colony, and the other half the Said officers are to Retain as a Reward for their Trouble, in Collecting & Paying the Same, and they & each of them are further Enjoined & Required at every Such Payment to the Treasurer as aforesaid, to Deliver unto him upon oath a Particular account, how much the Said Duty has amounted to, at the End of Every Six Months, Which oath the Said Treasurer is hereby Impowered to Administer.

BE it further Enacted by the Authority aforesaid, That if any New Cask made out of this Colony, Shall be Landed in the Said City of New York, without first Reporting & Paying or Securing to be paid to the officers or one of them, the Duty Imposed by this Act, Every Such Cask so Landed, Shall upon the Oath of one Credible witness before one of the Aldermen of the Said City, be by him adjudged Forfeited unto his Majesty, and the Same are to be Disposed of at Publick Vendue to the highest Bidder, and one half of the Net Produce, is to be for the Benefit of the Person that Shall Inform & Sue for the Same, and the other half paid to the Treasurer, towards the Support of this Government.

BE it declared & Enacted by the Authority aforesaid, That in Case any new Cask made in another Colony, Should first be brought into this Colony, & afterwards Imported into the Said City of New York, the Same Shall be Subject & Liable to the Like Duties & Forfeitures as if they had been directly Imported from Such other Colony into the Said City of New York, anything herein or in any other Law to the Contrary thereof Notwithstanding.

And BE it further Enacted by the Authority aforesaid, That if the before Naimed officers or Either of them Should happen to

Die Refuse to Act or Remove out of the City of New York during the Continuance of this Act, it Shall & may be Lawfull to & for the Mayor & Aldermen of the Said City for the time being, to appoint another in the Stead of him or them so Dying Refusing or Moving as aforesaid. And the Person or Persons So to be appointed is & are in Every Respect to Observe & Perform the Several Directions herein provided in Relation to the Officers aforesaid, & be Entitled to the Same Rewards as in this Act is allowed to them.

[CHAPTER 615.]

[Chapter 615 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 640.]

An Act for Raising the Sum of Fifty Pounds in the Township of Schonegtade for Making their old Church Defencible and Other Fortifications in the Said Town.

[Passed, November 13, 1734.]

WHEREAS by an Act Passed in this present Sessions of the General Assembly Entitled an Act for Fortifying the City of Albany Schonegtade & other Towns in the County of Albany, Amongst other things Power is given to the Justices of the Peace & Commission Officers or the Major part of them Residing within the Said Township, when they Shall See it necessary, to cause Block Houses to be built & making their Old Church Defencible, But no Provision being made in the Said Act, to Compell the Inhabitants Freeholders & Sojourners of and in the Said Township, to provide Timber for the Same, nor is any mony thereby Ordered, to be Raised for the Buying & Purchasing of Nails Boards Plank & other Necessary's, for Compleating the Said work, & the Paying of Carpenters Wages, BE it therefore Enacted & it is hereby Enacted by his Excellency the Governour and Council and General Assembly and by the Authority of the Same, that the Assessors in the Act before Mentioned, BE & hereby are appointed & Impowered when thereunto Required by the Said Justices of the Peace or the Major part of them, to Assess on all & Every the Freeholders Inhabitants & Sojourners of & in the Said Township, Such Number of Pieces of hewn Timber as They Shall be So Directed to Assess, which they are to do in Equal Proportions according to their Respective Estates, & to be by them Respectively Furnished and Provided Brought to the Said Town for the Uses aforesaid, as by the Direction of

the Said Justices or the Major part of them, Shall be found convenient, and in case any Person or Persons within the Said Township, Shall Neglect or Refuse to furnish & Provide Such & So many pieces of hewn Timber as he or they Shall be Assessed, and not bring the Same to the Place & at the time appointed in manner aforesaid, Shall Forfeit for every Piece of Timber not Provided & brought to the place appointed of the Demensions of twenty-five foot Long & Twelve Inches Square, the Sum of Eight Shillings Currant mony of this Colony, And So in Proportion for any Larger or Smaller piece of hewn Timber not Provided & brought to the Place appointed as aforesaid, to be recovered before any Justice of the Peace, within the Said Township, to be Employed by the Said Justices, for & towards the Use of the Said Fortifications.

AND be it futher Enacted by the Authority Aforesaid, That the Justices of the Peace, or the Major part of them for the time being, Inhabiting within the Said Township, are hereby fully Authorised and Impowered at any time or times within one year after the Publication of this Act, to Order & Direct the Supervisor of the Said Township for the time being, that at his Raising the Necessary Charges of the Said Township in the Year one Thousand Seaven hundred and Thirty five he shall Lay on all & every the Freeholders Inhabitants & Sojourners within the Said Township, over & above their Usual necessary Charges aforesaid, Such Sum of mony not exceeding Fifty Pounds, as the Said Justices or the Major part of them Shall Direct, & which Said Sum is to Assessed rated Levyed & paid in the same manner & form & under Such Regulations Fines & Forfeitures as the yearly Necessary Charges of the Said Township are Assessed Rated Collected & Paid, So that the Same be paid into the Treasurer of the Said Township for the time being on or before the Twenty fifth day of March, which Shall be in the Year of our Lord one Thousand Seaven hundred & Thirty Six, And be it further Enacted by the Same Authority, that the Said Treasurer Shall pay & Issue the Said mony upon Such Warrant or Warrants as Shall be tendered unto him under the hands & Seals of the Said Justices, or the Major part of them, who are hereby appointed & Authorised to Employ the Same, for the buying & paying for Materials & Workmanship & other Incidental Charges, for the Building of Block houses & making the Old Church in the said Town Defencible & to no other use or Purpose Whatsoever.

[CHAPTER 616.].

[Chapter 616 of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 629. Repealed by chapter 885.]

An Act for the More Equally Repairing
of the Road from Towerjoine to Koghnewage
Creek in the County of Albany..

[Passed, November 13, 1734.]

WHEREAS in an Act of General Assembly Entituled an Act, for the better Clearing, Regulating & further Laying out Publick high Roads, in the City & County of Albany, passed in the third year of his present Majesty's Reign, Commissioners are Named & appointed for the purposes Intended by that Act, and certain Limmits and Bounds prescribed to them throughout the Said County, how far they were Respectively Authorized & Impowered to put in Execution the Several Services thereby Intended, as in & by the Said Act (reference being had hereto) may more at Large appear.

AND Whereas it has been Represented to the General Assembly That the Bounds & Limmits So prescribed in the Said Act, from Towerjoine to Koghnewaga Creek, is about Sixteen Miles in Length, the Land extream Rough & not Capable of more Settlements, than what now live there, being but thirteen Family's, who are unable to keep that Road in Tollerable Repair, th'o they Annually workt upon it the full Number of Day's Enjoined by the Act aforesaid.

AND whereas it is further Represented to the Said General Assembly that the Lands from Koghnewaga Creek, & So up along both Sides of the Mohags River to a place commonly called & Known by the Name of the Nelloses is Generally So Level, that one Dayes Labour of the Inhabitants thereof is Sufficient to Keep that Road in good Repair.

AND whereas it is further Represented, in Manner as aforesaid, That the Last mentioned Inhabitants are Numerous & have no other way of coming, or going to & from Schonegtade & Albany, but through the Road from Koghnewaga Creek to Towerjoine, And that most of them, being Sencible that the Road between the two Places Last mentioned, is at Least of as much benefit to them as to the People living within the Same, & Some having Declared their Willingness to assist in the Repair thereof, if by an Act all their Neighbours Should be Obliged to assist therein Likewise.

BE it therefore Enacted by the Governour the Council and the General Assembly, & it is hereby Enacted by the Authority of the Same, That from & after the Publication of this Act, and During the Continuance of the before Mentioned Act, for Every two Days which the Inhabitants Living between Towerjoine & Koghnewaga Creek, Shall work on their Road, the Inhabitants from Koghnewage Creek, along both Sides of the Mohags River as far as the Place called Nellesses Shall work one Day in Repairing of the Same Road (provided it doe not Exceed three Days in a year) any thing in the aforesaid Act to the Contrary hereof notwithstanding.

AND for the Orderly Doing thereof Be it Enacted by the Authority aforesaid, That as often as the Inhabitants between Towerjoine and Koghnewage Creek, have workt two Days on their Said Road, The Overseers of the high Road of that Precinct Shall Send Notice thereof to the Overseer or Overseers of the Said Precinct, between Koghnewage & the Place called the Nellesses and to desire him or them to Cause the Inhabitants Living on both Sides of the Mohags River in the Same Precinct, to come & work one Day at a Day to be prefixt in Repairing the high Road between Koghnewage Creek & Towerjoine

AND be it further Enacted by the Authority aforesaid, That if the Last mentioned Overseer or Overseers or the Last Mentioned Inhabitants Shall Refuse Delay or Neglect to doe and perform, what in the Aforegoing Clause is directed to be done & performed by them Respectively, They & Each of them so Refusing Delaying or Neglecting, Shall be Subject and Liable to the Same Forfeitures Penalties & Fines, & to be Levyed & Recovered in the Same Manner, as in Like Cases is Directed and Provided in & by the Act aforesaid. And Such Forfeitures Penalties & Fines, are to be Payd to the Overseers of the high Road of the Precinct between Towerjoine and Koghnewage Creek and by them be Imployd, for and Towards Repairing the Road within the Same.

AND to the End the good Intent of this Act may not be Frustrated, Be it Enacted by the Same Authority, That the above mentioned Overseers of the High Roads, Shall be & hereby are Vested with all and Singular the Powers and Authorities for putting this Act in Execution, which in and by the Act aforesaid is given to all or any Such Overseers in the Said County. Provided allways that the Inhabitants of that Place called Steenrabie, Shall not be hereby compeld, to work on the Said Road, otherwise then by the before mentioned Act is Directed.

[CHAPTER 617.]

[Chapter 617 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 598. Continued by chapter 628.]

An Act for the futher Continuance of an Act Entituled an Act for Settling & Regulating the Militia in this Province & Making the Same Usefull for the Security and Defence thereof & for Repealing all other Acts Relating to the Same, as Like wise the Several Acts whereby the Same has been Revived & Continued

[Passed, November 13, 1734.]

WHEREAS an Act Entituled an Act for Settling & Regulating the Militia in this Province & making the Same Usefull for the Security & Defence thereof, & for Repealing all other Acts Relating to the Same. Passed in the Tenth Year of his Late Majesties Reign, being Expired by its own Limitation, has by Several Subsequent acts of the General Assembly not only been Revived, & from time to time Continued, But Several other Clauses & Alterations been added thereto & thereby Enacted to be of Force untill the first day of December next Ensuing, & for as much as it is highly Necessary to have the Militia of this Colony under Propper Regulations, BE it Enacted by his Excellency the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, that not only the Above Mentioned Act, but Likewise all the Several Acts for Reviving and Continuing the Same, and every Clause Article Matter & thing Contained therein, and in Every one of them, Shall be and Remain in full Force and Virtue, from and after the Said first day of December until the first Day of December which will be in the Year of Our Lord one thousand Seaven Hundred and Thirty five

[CHAPTER 618.]

[Chapter 618 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1737. Provided for by chapter 818.]

An Act to prevent Desertion from his Majesty's Forces in the Colony of New York.

[Passed, November 13, 1734.]

WHEREAS Many Grievous Complaints are Daily laid before his Excellency the Captain General & Commander in Chief of

this his Majesties Colony of New York, Concerning Debts Due from the Soldiers Private men of his Majesties four Independent Companys in Garrison in Said Colony, And that Great Disorders & Inconveniences have heretofore Arisen & are Daily growing from the too Large Trust & Credit given by Shop Keepers Victualers, Keepers of Taverns & Tipling Houses to the Soldiers Private men of his Majesties Said four Independent Company's in Garrison in this Colony, at the Cities of New York & Albany Town of Schonegtade & other Places within the Same by means Whereof the said Souldiers are Frequently Debauched & misled by Extravagant Gameing Drinking & other Vices to the Impoverishment & Ruin of themselves & their Families who do thereby often become Burthensom to those Places where they Respectively reside, And for as much also as Frequent Desertions are thereby Encouraged & Accationed to the great & Manifest Prejudice of his Majestys Service & the Security of this his Colony, in order therefore to prevent the Said Complaints Disorders & Inconveniences.

BE it Enacted by his Excellency the Governour Council & General Assembly and it is hereby Enacted by the Authority of the Same, That from & after the first day of December in this present Year of our Lord one Thousand Seaven Hundred & Thirty four, no Shop Keeper Victualer; Keeper of a Tavern or other Tipling House or any other Person whatsoever, Shall Trust or Give Credit to any Souldier or Private man under the Degree of a Sarjeant, being Enlisted & Enroled in any of his Majestys four Independent Companys of Foot in this Colony, for any Larger or Greater Sum then Six Shillings Current mony of this Colony, & if any Shop Keeper Victualer Keeper of a Tavern or Tipling House or any other Person whatsoever within the Said Colony, Shall Trust or Give Credit to any Souldier or Private man under the Degree of a Sarjeant Enlisted & Enrolled as aforesaid, for any greater or Larger Sum then Six Shillings Current mony of this Colony, He She or They So as abovesaid Trusting or Crediting any Such Private man or Souldier under the Degree of a Sarjeant, Shall Loose & be hereby Disabled from Ever Recovering the whole Debt, or any part thereof, and any Such Souldier under the Degree of a Sarjeant as aforesaid being trusted or Credited for any Sum Or Sums of mony goods Wares or Merchandises, Victuals or Drink & being thereupon Sued or Prosecuted for any Sum above the Sum of Six Shillings; Contrary to the True Intent & Meaning of this Act, may Plead the General Issue &

give this act in Evidence, in any of his Majestys Courts of Record or before any Justice of the Peace in this Colony and the Judges & Justices of the Said Courts Respectively & all Justices of the Peace are hereby Strictly Required & Enjoyned to admit this Act to be so given in Evidence any Law Usage or Custom to the Contrary hereof in any wise notwithstanding.

AND whereas it has been Discovered that many Evil Disposed Persons do Frequently Buy Receive or Take in Pawns & Pledge the Military Cloathing of Such Souldiers as aforesaid. BE it Enacted by the Authority aforesaid, That if any Person or Persons Whatsoever from & after the Said first Day of December Shall Buy Recieve or Take in Pawn or Pledge from any Such Souldiers Corporalls or Sargiants of Said Independent Company's or Either of them any Military Cloathing, that is to Say, the Military Hat Cravat Coat Westcoat Bretches Shirt Shoes Stockings or any or Either of them, Such Person or Persons so Buying Recieving or taking in Pawn or Pledge, all or any part of Said Military Cloathing as is herein Mentioned, Shall Forfeit for Each & Every offence the sum of Ten pounds Current Mony of this Colony to be Recovered by Action of Debt Bill plaint or Information, in any Court of Record in this Colony, By any Person who Shall Inform Sue or Prosecute for the same. AND in order to prevent all Fraud Couven & Deceit which may be used to avoid & Defeat the good & Just purposes of this Act. BE it Enacted by the Authority aforesaid, That if any Person or persons whatsoever shall Sue or Prosecute any Souldier or Private man Enlisted & Enrolled as aforesaid, under the Degree of a Sarjeant for any Sum of Mony not Exceeding the Sum of Six Shillings Such Person or Persons so Sueing or Prosecuting, Shall upon bringing Such Suit or Prosecution be Examined upon Oath, That if the Sum so by him Her or them Sued for be the whole & Entire Debt due to him her or them from the Person so Sued or Prosecuted at the time of his the Plaintiffs: her or their Commencing & Bringing Such Suit or Prosecution & making Such Oath, And all Mayors Aldermen & Justices of the Peace within this Colony, are hereby Strictly Required & Enjoyned to administer Such Oath to all & Every Person or Persons Suing or Prosecuting any Souldier or Private man for the Sum of Six Shillings or under Said Private man or Souldier being as aforesaid duely Enlisted & Enrolled in any of Said Companys under the Degree of a Sarjeant.

AND be it further Enacted by the Authority aforesaid, That During the continuance of this Act, no Souldier Private man of his Majestys four Independent Companies in Garrison in this Colony, Shall be Liable to be taken out of his Majesty's Service by any Process other than for Some Criminal matters unless for a Real Debt or other Just Cause of Action of Ten pounds and upwards: not Contracted against the Tennour of this Act, or while it Shall hereafter be in Force, & unless before the taking out Such Process or Execution not being for a Criminall matter the Party or Some other Person in his behalf make Affidavit before the Judge of the Court of Record or other Court out of which Such Process Shall Issue, That to his Knowledge the Same is Justly Due to the Plaintiff from the Defendant in the Action on Which the Process Shall Issue or the Debt or Damages & Costs amount to Ten Pounds at least, A Memorandum of Which Oaths Shall be marked on the Back of the Process or Writ for which no Fee Shall be taken & if any Person Shall be arrested Contrary to the Intent of this Act, any Judge of Such Court on Complaint by the Party himself or by his Superiour Officer may Examine into the Same on Oath & Discharge Such Souldier so Arrested Contrary to the Intent of this Act, & may award Reasonable Costs, for Recovery whereof he Shall have Like Remedy Which the Plaintiff might have had for his Cost in Case Judgement had been given for him any Law Usage Custom or thing in this Act to the Contrary notwithstanding.

AND in order that Such Creditors may not Loose their Debts but have all Remedy for the Same Saving against the Persons of the Said Souldiers. Be it Enacted by the Authority aforesaid That it Shall & may be Lawfull for the Plaintiff to enter his Cause in any Court & to give notice in writing of the Cause of Action to Such Souldier or to Leave it at his Place of Residence Desiring him to appear at Such Court at a Certain time, to answer the Said Cause of Action, at which time if the Said Soldier does not appear it Shall be Lawfull for the Plaintiff to file a Common appearance for the Defendent on Oath made of the Service of the Notice as aforesaid, which Shall Entitle the Plaintiff to Proceed to Judgement & to Execution other than against the Body of Such Soldier any thing to the Contrary notwithstanding.

PROVIDED and be it further Enacted by the Authority aforesaid, That all Such Soldiers Mentioned in this Act, as Shall not at the time of his or their taking up Goods or Runing in Debt have upon him or them the Kings mounting, at least the most

Distinguishable part thereof: to wit, a Coat or Hat Shall have no Benefit by this Act, anything in this Act to the Contrary in any wise notwithstanding.

AND to prevent any Frauds to be practiced under Colour of this Act. BE it provided & Enacted by the Authority aforesaid, That all Such Person or Persons as shall at any time after the Said first Day of December Enlist or Enroll himself or themselves in any of his Majesty's Said four Independent Companies, Shall have no manner of Benefit by this Act for any Debt or Debts contracted by him or them before Such Enlistment or Enrollment any thing herein Contained to the Contrary hereof in any wise notwithstanding AND it is hereby further Enacted by the Authority aforesaid, That this Act be Publickly & openly Read by the Clark of the Peace, at all Quarter & General Sessions to be held in the Several Cities & Counties in this Colony, on the Day of the opening Said Sessions so long as this Act Shall continue in Force, of which all Justices of the Peace are to take Especial Notice.

THIS Act to be & Remain of Force from the Said first Day of December next Ensuing until the first Day of December which will be in the Year of our Lord one Thousand Seven hundred & thirty Seven

[CHAPTER 619.]

[Chapter 619 of Livingston & Smith and Van Schaack, where the title only is printed. Expired May 1, 1738. See general law relating to fences, chapter 3. See also chapter 887.]

An Act to Ascertain the heighth of
Fences & to Regulate Horses in Kings
County.

[Passed November 28, 1734.]

WHEREAS the Several Towns in Kings County on the Island of Nassau have laid out most or all the Lands belonging to Such Townships into Lotts, So that but very Small Quantities of Land remain uninclosed in the Said County, by which means as well as by the great Improvements and Cultivation of the Lands in that County, Timber for Fencing is become Extream Scarce within the Same.

And whereas the outside Fences in the Several Townships of the Said County are not of an Equal Heighth By Means whereof much more Fencing Stuff is Required & made use of in Some Perticular Places than there would be Occasion for, If one & the

Same Standard for the heighth of all outside Fences was fixed & Ascertained throughout the whole County aforesaid.

BE it therefore Enacted by the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That all outside Fences in every Township within the Said County, whether the Same be amongst the highroads or any Publick Lane, Street or joining to any Uninclosed Lands or between Neighbors Shall from & after the first Day of May which will be in the year one thousand Seaven hundred & thirty five & During the Continuance of this Act Be of the heighth Size & Dementions hereunder Mentioned, any Law Usage or Custom to the Contrary thereof in any wise Notwithstanding, That is to Say, A Stone Fence from the Surface of the Ground to the upper part of the Fence not to be Less in heighth than three feet & Eight Inches. And a Fence of Posts & Railes to consist of no less than three Railes & the heighth thereof from the Surface of the Ground to the upper part of the Top Raile not to be under four foot & all Fences being of the heighth before Mentioned or upwards Shall from the time above Limited & during the Continuance of this Act be Deemed & allowed Sufficient & Lawfull Fences as well for the outside as between Neighbors in the County aforesaid. And whereas frequently Horses are turned out & run at Large in the Said County without being Fettered hopped or Clogged whereby Damages do often Ensue for Remedy whereof, Be it Enacted by the Authority aforesaid, That if any Horse or Horses Mare or Mares or any other Horse kind being above a year old Shall after the Said first day of May, be found running at Large in the Highroads or in any publick Lane or Street or in any Uninclosed Lands within the Said County, without being fettered hopped or have a Clogg on one of their Leggs, or feet, It Shall & may be Lawfull for any Person or Persons living within the Township where Such Horse Kind Shall be so found, to carry the Same to the publick Pound of that Town, & the owner or owners of Such Horse Kind Shall & may have the Same again upon his her or their Paying the Usual Pownnage thereof. But for the Damages which Such Horse Kind Shall or may Commit in any Feilds or Pastures that are or Shall be Inclosed by a Fence of the Standard Size & Dementions above Mentioned, the Party Injured Shall have the Like remedy as he or She could or might have had before the Passing of this Act.

AND to the End the Regulations aforesaid may the better Known throughout the Said County, Be it further Enacted by

the Same Authority, That the Clerk of the Peace Shall at the opening of the first Sessions of the Peace to be held for the Said County after the Publication hereof, publicly read this Act, which Shall be & remain of Force until the first Day of May which will be in the year one thousand Seaven hundred & thirty Eight.

[CHAPTER 620.]

[Chapter 620 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 28, 1737.]

An Act for Building a Wharff in the
City of Albany where it Fronts Hudsons
River.

[Passed November 28, 1734.]

WHEREAS Hudsons River at the Front of the City of Albany has gained Considerably on the Land, by which means it is very difficult to Fortify there, And whereas it has been Suggested that Several Persons Claim & have a Right to run out their Several Lotts to Low Water mark, And tho the Mayor & Aldermen upon the Stricktest Enquiry have not been able to Discover Such Right, They have nevertheless by advertisements affixed up at the most Publick Places in the Said City & County Desired all & Every Person & Persons that have any Claim, to run out their Lotts they have along the River Side to Low Water mark, to produce the Same to the Said Mayor and Aldermen, but none have Produced any Such Title, BE it therefore Enacted by the Governor Council & General Assembly & it is hereby Enacted by the Authority of the Same. That all and Every Person & Persons having or pretending to have any Right, to run out their Respective Lott or Lotts to Low Water mark, are hereby directed to make Such their Right, if any They have, appear to the Common Council of the Said City within Six months after the Publication of this Act, & that Such of them as have a Right & Title to the Same, be obliged by the Said Common Council to Build a Wharff in the Front thereof in Such manner as the Said Common Council Shall Direct, within three years next & after the Publication of this Act, and that at Least forty Foot in Breadth in the Front be Left as a Publick street, And be it further Enacted by the Authority aforesaid, That all and Every Person & Persons not making appear his or their Right & Title to the Same in manner aforesaid within the time aforesaid, or having made the Same appear, Shall refuse or neglect to Build a Wharff in Front

thereof in manner aforesaid, that then it Shall & may be Lawfull to & for the Mayor and Aldermen of the Said City for the time being or the Major part of them, to Issue out their Warrant under their hands & Seals to the Sheriff of the Said City & County for the time being, to Summon Twelve good & Lawfull men of the Said County to Value & appraise all & Every Such Lott & Lotts respectively, for which no Right or Title Shall have been Produced, befor the Said Mayor & Aldermen within the time aforesaid, or having made the Same appear, Shall have Refused or Neglected to Build a Wharff in Front thereof, according to the Direction aforesaid & upon return made of the Said apraisement to the Common Council of the Said City, then all & every Such Lott & Lotts Shall be forever Deemed & Esteemed and belong to the Said City, Paying for the Same the Value for which the Said Lotts Shall have been respectively valued & appraised at in manner aforesaid to Such Person or Persons as Shall have Refused or Neglected to Build Such Wharff in the Front thereof Respectively, & if at any time or times hereafter any Person or Persons not having Produced his Right to the Said Lotts Respectively within the time aforesaid, Shall make his or their Right & Title to the Same or any of them appear before the Supreame Court of Judicature of this Colony, Shall be Entituled to the Mony for which the Said Lotts Shall have been respectively appraised, to be paid to them by the Common Council of the Said City within three Months after that Such Right & Title is made Evident in manner aforesaid, any Law Usage or Custom to the Contrary hereof in any ways notwithstanding. And the Said Mayor and Aldermen of the Said City Or the Major part of them for the time being, are hereby Stricktly commanded to Cause all their Lotts within the Said City Running to Low Water Mark to have a good & Sufficient Wharff Built before them, within the three years Limited for that Purpose, leaving Such a Street as before Mentioned in the Front thereof, to the End the Said River may not again make such Encroachments as aforesaid & that the Said City may be the better fortified on that Side, which Fronts the Said River.

AND be it futher Enacted by the Same Authority, that the Wharff so to be Built, as aforesaid and the Land to be Recovered and Gained by that means, Shall at all times thereafter be & Remain under the Jurisdiction Managment and Direction of the Mayor Recorder Aldermen and Common Council of the Said

City of Albany for the time being in the Same manner to all Intents and Purposes whatsoever, as any other part of the Said City now are or of Right ought to be.

[CHAPTER 621.]

[Chapter 621 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for discharging Two certain Obligations entred into Respectively by Jeremiah Schuyler and Johannes Cuyler Jun'r to the Treasurer of this Colony.

[Passed November 28, 1734.]

WHEREAS Jeremiah Schuyler and Johannes Cuyler Jun'r of the City of Albany Merchants have by their humble Petition to the General Assembly Set forth, that Some time on or about the Twenty fifth day of August, in the year of Our Lord one Thousand Seaven hundred & Twenty nine, did each of them enter into an obligation to the Treasurer of this Colony, whereby Each of them became bound to pay unto the Said Treasurer the Sum of Fourty five Pounds Currant mony of this Colony upon Demand, for certain Fines & Forfeitures Mentioned in Sundry Acts of the Assembly of this Colony relating to the Indian Trade, That all the Several Laws of this Colony, Passed from the year One thousand Seaven hundred and Twenty, to the year One Thousand Seaven hundred & Twenty Nine, which Relate to the Said Indian Trade, & Inflicted the Said Fines have been Repealed by his Majesty, in Council on the Eleaventh Day of November in the Aforesaid Year of Our Lord One Thousand Seaven hundred and Twenty Nine, and Lastly that both the Said Petitioners Since their Executing of the said Bonds or Obligations have had the Misfortune to have their Dwelling Housen & appurtenances Burnt and utterly Dstroy'd in Consideration whereof BE it Enacted by his Excellency the Governour Council and General Assembly, and it is hereby Enacted by the Authority of the Same, that the before Mentioned two Bonds or Obligations, each being for the Sum of Fourty five Pounds Currant mony of New York, so Respectively entred into by the Said Jeremiah Schuyler & Johannes Cuyler Jun'r on the Said Twenty fifth Day of August, in the Year of Our Lord one thousand Seaven hundred and Twenty Nine, and Each of them be & are hereby Directed to be Cancelled by the Said Treasurer, and that the Said Jeremiah

Schuyler & Johannes Cuyler Jun'r and each of them Respectively, & their Respective heirs Executors & Administrators and Each of them Respectively be & hereby are for ever Discharged Released & Acquitted of the Said Bonds so Respectively entred into by the Said Jeremiah Schuyler & Johannes Cuyler. And of all and every other Fines & Forfeitures whereunto They or Either of them, have or may have been Liable by the Said Repealed Acts or any of them, in as full and Ample manner as if the Said Bonds or Obligations, or any of them had not been Respectively entred into by the Said Jeremiah Schuyler and Johannes Cuyler Jun'r or Either of them or any other Fines or forfeitures had been by the Said Acts or any of them Imposed any Law Usage or Custom to the Contrary hereof in any wise notwithstanding.

And whereas the Said Treasurer upon the Said Jeremiah Schuyler and Johannes Cuyler Jun'r Respectively Executing the Obligations above Mentioned, did give the Colony Credit for the Respective Sums, in each of the Said two Obligations mentioned & every of them Amounting together to the Sum of Ninety Pounds. BE it Enacted by the Authority aforesaid, that the Said Treasurer, Shall & may and is hereby allowed to recharge the Colony and Credit himself, for the Said Sum of Ninety Pounds, which he was to have receiv'd of the Said Jeremiah Schuyler & Johannes Cuyler Jun'r by Virtue of the Said two Obligations, hereby Directed to be Cancelled any Law Usage or Custom to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 622.]

[Chapter 622 of Livingston & Smith and Van Schaack, where a portion of the act is printed. Chapter 622 of Van Schaack, where the title only is printed. See chapter 611. Continued by a clause in chapter 707, and by chapter 880.]

An Act to prolong the Duty of Tonnage layed by an Act Entituled an Act, to Lay a Duty of Tonnage on the Vessels and for the time therein Mentioned.

[Passed November 28, 1734.]

WHEREAS most of the Fonds on which Bills of Credit are to be Struck & made Current in this Colony, by an Act Entituled an Act, to Strike and make Current bills of Credit to the Value of Twelve thousands pounds on the Fonds and for the Uses therein Mentioned, are continued for the term of ten Years,

Except the Duty of Tonnage lay'd in one Act Entituled an Act, to Lay a Duty of Tonnage on the Vessels & for the time therein Mentioned, by which the Said Duty is Imposed no Longer than until the first day of July, which will be in the year one thousand Seaven hundred & fourty, & it being conceived reasonable & requisite, that the Said Duty of Tonnage Should be of the Same Duration as the other Fonds aforesaid. BE it Enacted by the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That the last Mentioned Act Entituled an Act to Lay a Duty of Tonnage on the Vessels & for the time therein Mentioned, Shall be & hereby is Continued to Remain of Force, and every Clause Article matter & thing therein contained from, and after the Said first Day of July, which will be in the year, one thousand Seaven hundred & fourty, until the first day of July, which will be in the year of our Lord one thousand Seaven hundred & fourty four.

And whereas in the Said Act no Reward is allowed to the Treasurer of this Colony for the Several Services thereby Required to be done & performed by him: BE it Enacted by the Authority Aforesaid, that the Said Treasurer Shall be, & hereby is allowed to retain for his own Use, out of all the mony that hath already Arisen or may arise by virtue of this and the before Mentioned Act, the Sum of two pounds ten Shillings, out of every hundred pounds, He Shall receive & Issue by Virtue thereof, & in that Proportion for a Greater or Lesser Sum.

[CHAPTER 623.]

[Chapter 623 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack state that this act was confirmed by the king January 12, 1737.]

An Act for the Partition & Division of a Certain Tract of Land in Dutches County, Granted to Sampson Broughton, Rip Van Dam Thomas Wenham Roger Mompesson, Peter Faucounier, Augustine Graham, Richard Sackett and Rob't Lurting.

[Passed, November 28, 1734.]

WHEREAS her Late Majesty, Queen Anne, did by her Letters Pattents under the Seal of the Province of New York, bearing Date the tenth Day of Aprill, in the Fifth Year of her Reign, Grant unto ye said Samson Broughton, Rip Van Dam, Thomas

Wenham, Roger Mompesson, Peter Faucounier, Augustine Graham, Richard Sackett and Rob't Lurting, a Certain Tract of Land, begining at ye North bounds of ye Lands then lately purchas'd by Richard Sackett, in Dutches County, and Runs thence South Easterly by his North bounds, to Wimpoting, thence by the Mountains Southerly to the South East Corner of the said Sacketts Land, And thence Easterly to ye Collony Line of Connecticut, and thence Northerly by the said Collony Line and Wiantenuck River, to the South bounds of Lands Purchas'd by John Spragg, &c at Owissetanuck, thence Westerly by the said Purchase, as it Runs to the South West Corner thereof, thence to the Manor of Livingston, and by the South Bounds thereof unto the Lands purchas'd and Patented to Collonel Peter Schuyler, over against Magdelene Island, and so by the said Purchase and Patent, to the Patent of Coll. Beekman for Land lying over against Clyne Esopas ffly, and thence by the said Land to the South East Corner thereof, and thence Easterly to the said Sacketts South West Corner, and thence to the place where it begun with all & Singular the Appurtenances thereunto belonging, with all Woods, Underwoods, &c. in Eight equal parts to be Divided, to hold One Eighth part thereof unto each of the said Respective Grantees, and under each of their Respective Heirs & Assigns for Ever, as Tennants in Common, as by the said Letters Pattents remaining on Record in ye Secretary's Office of ye s'd Province of New York, may appeare, which said Tract of Land was by her said Late Majesty, by Letters Pattents under the s'd Seale of the S'd Province of New York, bearing Date the Twenty Fifth Day of September, in the Seventh Year of her Reign, Confirm'd unto the said Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter Faucounier, Augustine Graham, Richard Sackett and Robert Lurting, their Heirs & Assigns for Ever, as Tenants in Common in manner afores'd and WHEREAS the said Thomas Wenham dyed, after making the S'd confirmation, and before any Division was Made of the said Tract of Land, and his Heirs or Legatees, to whom the Right of his Inheritance of his Share in the s'd Tract of Land, does belong, living beyond the Seas, the rest of the said Grantees, or those to whom they have Convey'd their Estate, Right and Title to the said Lands Or any part or parts thereof, tho Living and Resideing in the s'd Province, cannot enter into any agreement to Divide the said Tract, and yet if any of ye said

Tenants in Common, for Support of themselves & their Families, should Settle and Improve any part of the s'd Tract, as Tenants in Common, by ye Laws of England, they would still remain so, and the Labours & Improvements of the Persons so Settling, will, without a Division, as much belong to those who doe not Settle & Improve the said Lands, as those who doe, whereby husbandry is discourag'd, and Settlements & Improvem'ts neglected to be made and Whereas the said Rip Van Dam, Peter Fauconier, Rich'd Sackett and Rob't Lurting, the Surviving Patentees, and the Heirs & Ass's of the said Samson Broughton, Roger Mompesson, and Augustine Graham, together with George Clarke, to whom the said Grantees, soon after passing the afores'd Grant, Convey'd One equall undivided Ninth part of the said Whole Tract, being desirous to make Partition of the said whole Tract, in an equal and impartial manner, that so they may be enabled to Settle and improve the same, have in Pursuance of an Instruction Dated at White Hall the 23d Day of July 1723 given Publick and Due Notice of their Intention to Apply for an Act of Assembly to impower them to Divide the said Tract

AND WHEREAS the Settlement and Improvem't of Lands Conducing very much to the Strength & Riches of the Collony, Partitions of undivided Tracts of Land ought at all times to be encourag'd, and the Expence thereof made Easy and Equal to all the Proprietors, BE it therefore Enacted by the Governour, Council and Generall Assembly, And it is hereby enacted by the Authority of the same, That the Proprietors of the said Tract of Land, or the Agents or Attorneys of such of them as doe or shall live and Reside in parts Remote from this Collony, or the Major part of them, for and in the Names and Behalf of all the Proprietors of the said Tract, Shall and may, by Virtue of this Act, in such manner as is hereafter mentioned, Divide, Make Severance and Partition of the said Tract of Land, or of such part or parts thereof as they shall think fitt, until the whole bee divided; And to the End that no Intrusion or Incroachments may be made by the said Proprietors on any of his Majestys Lands, or on any other Lands, and that the Limitts and bounds of the said Tract may be Ascertain'd & Distinguish'd, pursuant to the true & Genuine Description, words, intent and meaning of the said Grants or Letters Patents; Bee it enacted by the Authority afores'd, That before any Division or Partition be made of The Said Tract, the Outlines, limitts and boundarys of the said tract

Shall be Surveyed and distinguished by his Majesties Surveyor Generall of the said Collony, for the time being, at the costs and charges of the Said Proprietors.

AND for the more orderly, regular and impartiall laying out and dividing the Said tract, and for the prevention of any disputes that may arise concerning the Surveying, laying out and dividing thereof, BE it further Enacted by the Authority aforesaid, That It Shall and may be lawfull for the Said Proprietors and their Agents, or the Major part of them, to nominate Nine good Substantial ffree holders, Inhabitants of the Said County of Dutchess, who are noways Interested in the said Lands, and the Names of the Said Nine persons So Nominated, to give in writing under their hands and Seales, or under the hands and Seales of the Major part of the Said proprietors and their Agents, to the Judges of the Supream Court of Judicature of the Said Collony, thereby likewise certifying the consent and Agreement of Such Majority, to divide, make Severance and partition of the Said Tract of Land, and thereby also requesting the Said Judges to Nominate in open Court, out of the Said nine persons, any three of them, as they the Said Judges in their discretion Shall think fitt, to divide the Said Tract between the said proprietors; And the Said Judges are hereby required and directed to nominate Such three persons accordingly, Which three persons, so Nominated, Shall, and are hereby required and directed to lay out, Severe and divide, upon Oath to be administered to them by the Said Judges, or any of them, The Said Tract of Land between the Said Proprietors Thereof, in manner hereafter mentioned.

AND WHEREAS It is just & reasonable that the whole Charge of Surveying, parting & dividing the said tract of Land Should be born and paid equally between the Said proprietors, according to their severall and respective rights, shares and Interests therein, TO THE END therefore that there may be no Disputes or Contests concerning the same, and that those who are most forward and willing to divide may not bear an unequall load, or be obliged to contribute to the Share and proportion of the Charge of those who may be unwilling to divide, if any Such there Should be, and that So good a work may not be obstructed either by Such disputes or Contests, or otherwise, BE IT ENACTED by the Authority aforesaid, That after the Said Lines, Limitts and Boundaries of the Said Tract are Surveyed

and distinguished by his Majestys Surveyor Generall, as aforesaid, and before any Division or partition be made of the Said Tract, or of any part thereof, the Said three persons So as aforesaid to be nominated by the Said Judges, Shall Set apart, Survey, lay out and Sell Such part of the Said Tract, not exceeding one twentyeth part of the whole, as they Shall think reasonable and necessary, to defray the charge and Expence of Surveying, parting and dividing the Said tract between the Said Proprietors, and of Such other contingent Charges as may be necessary thereunto. Which Said part or parcell of the Said Tract of Land, So to be laid out, Surveyed, Sett apart and allotted to be Sold, as aforesaid, Shall be laid out, Surveyed, Sett apart and allotted in one intire peace or parcell, So as the Same Shall not extend in length along the banks of any river, more than one ffourth part of the length thereof into the woods from the Said river, and Shall afterwards be Sold by the Said three persons, So to be Nominated, as aforesaid, or the survivors or survivor of them, or by Such other persons as the Said Judges, by rule or order of Court, Shall appoint, by publick Auction or vendue, to be held in the City of New York, to the highest Bidder or Bidders, at Such time and times, place & places as shall be appointed by the persons who are to make Such Sale, who are hereby empowered and required to Sell and dispose of the Same accordingly, and to Sign Seal and deliver Deeds and conveyances thereof unto such person or persons as shall buy or purchase the Same, which Deeds and conveyances, So made and executed, Shall be, and are by virtue of this Act, judged, deemed, and declared to be a good, valid and Sufficient Title in the Law, to all Intents and purposes whatsoever, as fully and amply as if all the proprietors of the Said Tract had executed Deeds and Conveyances for the Same. AND the Said purchasor or purchasors thereof, and their Respective heirs and Assignes, are and Shall be Severally and respectively invested with and entitled to an Estate of ffreehold and Inheritance, in ffee Simple, of and in the Said tract or parcell of Land, So to be Sold, as aforesaid, by virtue of this Act, and the Said purchasor or purchasors, and their respective heirs and Assigns, shall and may at all times thereafter forever, freely, quietly and peaceably have, hold, use, occupy, possess and enjoy the same, without any Lett, Suite, trouble, vexation, Eviction, disturbance, or other hinderance or molestation whatsoever, of any of the aforesaid Grantees or proprietors, or

of their or either of their heires or Assignes, or of any other person or persons lawfully claiming by, from or under them, or any or either of them.

AND BE IT further ENACTED by the Authority aforesaid, That the money arising by the Sale of the Said part or parts of the Said tract of Land, So to be laid out and Sold for the purposes aforesaid, Shall immediately, upon Such Sale and executing Such Conveyances thereof, as aforesaid, be paid or Secured to be paid by the Said purchasor or purchasors thereof, into the hands of the Treasurer of the Collony, for the time being, who shall thereout pay and discharge the Severall Charges, as well of Surveying the Outlines, limitts and boundaries of the Said Tract, and of Surveying, laying out and Selling Such part of the Said Tract, So to be Sett apart and Sold, as aforesaid, as of Surveying, dividing, Severing and laying out the remainder of the Said whole tract of Land between the proprietors thereof, and of all incidentall matters and things necessary thereunto, Such Charges being first Settled and approved of and certified to the Said Treasurer under the hands of the Said proprietors, or their Agents, or the major part of them, and after all Such Charges are paid, the remainder of Such purchase money Shall, by the Said Treasurer, his Executors or Adm'ors, be paid to the Said respective pantentees and proprietors, or their Agents in equall proportion to their respective Shares and Interests therein, the Said Treasurer thereout detaining in his hands after the rate of ffive p Cent for receiving and paying Such Sum & Sums of money So to be by him received and payd, as aforesaid.

AND TO THE END that a just, equall and impartiall Division may be made of the Said Tract of land, BE IT ENACTED by the Authority aforesaid, That after Such part of the Said whole tract Shall be So as afores'd Sett apart & allotted to be Sold, the aforesaid three persons, So as aforesaid to be Nominated by the Said Judges, or the Survivors or Survivor of them, Shall then make Severance, divide and lay out the remainder of the Said whole tract between the Owners and proprietors thereof, into such & So many lotts as they in their discretion Shall think necessary and convenient, upon view of the Said tract, having regard to the quantity, Situation and quality of the Land, the Number of the Owners & proprietors thereof, & of their Severall & respective Shares, rights and Interests

therein, Which Said Lotts Shall be markt and distinguished, and gradually Numbered to once, twice, three times or more the Number of the proprietors or Owners of the Said Tract, as the quantity, Situation and quality of the Land will admit of, that EACH of the Said proprietors may have an equall Chance with the other And Every one of them have their Shares and proportion According to their respective rights Shares and Interest in the Said Whole Tract, And the Said Lott So marked distinguished & Numbered shall in open Court before the Said Judges of the Said Supream Court or in the presence of Such other persons only Sworn before them, And in Such Manner And form as the Said Judges of the Said Supream Court shall by rule or order of Court direct & Appoint, And for their Care And trouble in Seeing the Same fairly and impartially drawn The Treasurer Aforesaid Shall out of the money Arising by the Sale aforesaid pay to Each of the persons So to be Appointed if they please to receive it the sum of Four Shillings a day for every day they Attend the Said Service.

And be it further Enacted by the Authority aforesaid, that the Severall and respective Lotts So to be drawn Shall respectively be the Lotts & Shares of Such of the Tenants in Common Owners and proprietors of the Said whole Tract to whom they Shall happen to fall And that the aforesaid Tenants in Common, owners, And proprietors of the Said Whole tract. And their respective heirs & Assigns forever Shall hold & enjoy their Severall & respective Lotts & Shares which Shall so as afores'd upon the drawing thereof happen to fall to them respectively in severallty one from the other And not in Common Any Law Usage or Custom to the Contrary Notwithstanding

AND Be it further Enacted by the Authority aforesaid, that Each of and every of the Said three persons So to be Nominated by the said Judges of the supream Court to make partition & division of the Said Tract of Land between the owners & proprietors thereof Shall have & receive as A reward for his and their Care And trouble in performing the Services hereby required of them the Sum of four Shillings A Day Over & above their reasonable Expences to be paid unto Each and every of them by the Treasurer aforesaid out of the Money Arising by the Sale aforesaid

AND be it further Enacted by the Authority aforesaid that advertisements shall be fixed on the County House Church or

Some other publick place in the county of Dutchess And in the next Adjacent Counties as likewise on the City Hall, of the City of New York three Months before the Division aforesaid be Made Signifying that the Said tract of Land is on Such A Day therein to be Mentioned intended to be begun to be Surveyed in order to A Division And that from the Said Day the Said Survey is to be Continued till it be finished And the Said partition & Division be compleated

AND be it further Enacted by the Authority aforesaid that the Surveys Drafts and Descriptions of the Said Tract and of all and every the respective Lott & Lotts of Land So as aforesaid to be laid out & drawn Shall be fairly & distinctly drawn & laid down on parchment, And the Lotts Numbered from Number One to the Number of the Lotts drawn, And the Name of Each and Every proprietor to whom the Lotts respectively fall Shall be wrote on the Said Survey Draft And Description of Such Lotts, as Shall respectively happen or fall to them, And Shall be Certifyed under the hands and Seales of the Said Judges of the Supream Court or of the persons who shall be by them Nominated & Appointed as aforesaid to see the Lots drawn and be returned into the said Supream Court And filed with the Clerk of the Said Court And be recorded in the secretarys Office of this Collony And A transcript thereof Lodged with the Surveyor General, AND to the End that none of the Said Tenants in Common Owners or proprietors of the Said tract of Land may be Injured by partiality or want of due care And Circumspection either in parting dividing or Severing the Said Tract into Lotts or in drawing of Said Lotts, BE it Enacted by the Authority Aforesaid that if within the Space of one whole Year Next after such partition And Severance be made, And the Lotts Drawn, Any of the Said proprietors or owners of the Said Tract, Shall make it Appear, to the Judges of the said supream Court that the Said Tract was Unequally And partially Severed and divided whereby manifest Injury will Accrue to any of the Said proprietors if Such partition And severance should be confirmed, & ratifyed, that then and in Such Case the Said Judges shall And may Award And direct a new partition And severance of the Said Land into Lotts And the Said Lotts ordered to be drawn in Manner aforesaid but if No such partiality be suggested & proved within the time Aforesaid then the Said Judges may & shall by rule order sentence or Decree of Court confirm

Such partition severance and Division which rule order sentence or Decree shall forever thereafter be deemed reputed & be of full Absolute And Determinate Confirmation of Such Division severance And partition of the said Tract of Land to all Intents and purposes.

PROVIDED allways, that in Surveying, laying out or dividing of the Said Tract of Land, No Intrusion or Encroachments be Made on any Lands belonging to, or owned by any person or persons whomsoever, And also Saving to all bodys politick and Corporate, and to all other persons whatsoever, the right they or any of them have in the premises, or any part thereof, by prior Grants, or any other wise howsoever

PROVIDED allways, that this Act or anything therein Contained, shall not be of force Until it has received the Approbation of his Most Sacred Majesty, his heirs or Successors, And Until Such Approbation be Signified to the Governour or Commander in Chief of this Colony, for the time being, And entred in the Minutes of Council

(CHAPTER 624.)

[Chapter 624 of Livingston & Smith and Van Schaack, where the title only is printed. Part repealed in 1740 by chapter 701. Expired December 25, 1744.]

An Act to Lay a Duty on the Goods, & a Tax on the Slaves therein Mentioned During the time & for the Uses Mentioned in the Same.

[Passed, November 28, 1734.]

WHEREAS it is Prudent if not Absolutely necessary in times of Peace to Provide against those Dangers that Naturally attend a State of War, which the present Troubles in Urope Seems to Threaten, & how Soon our Mother Country may be Involved in it & we feel the Unhappy Consequences of it, the Divine providence can only Determine, in order therefore to Provide as much as we can for our own Defence & to raise Mony for that Purpose, Be it Enacted by his Excellency the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, that there be given & Granted unto his Majesty his Heirs & Successors, the Several Duties & Quantities of Plate or Sums of Mony herein after Express'd to & for the Uses & Purposes herein after Mentioned, & to no other uses or Purposes

whatsoever, that is to Say, for every barrel of Cyder or the quantity thereof Imported into this Colony, from & after the Twenty fifth day of December in this present Year one Thousand Seaven hundred & Thirty four, Until the full Term & time of Ten Years be from thence compleated & Ended, whether the Same be Imported in Barrells, hogsheads Pipes Puncheons or other Casks or Vessells, the Quantity of two penny weight & twelve Grains of Civil Pillar or Mexico plate or the Sum of one Shilling in Bills of Credit made Current in this Colony, for every Barrel of Pork Imported into this Colony, during the time aforesaid, & not of the product & Maunfacture of New Jersey the Quantity of Seaven penny weight & twelve Grains of Sivil pillar or Mexico plate or the Sum of three Shillings in Bills of Credit made Currant in this Colony, for the Quantity of every Barrell of Beef Imported into this Colony during the time aforesaid & not of the product or manufacture of New Jersey the quantity of five penny weight of Sivil pillar or Mexico plate or the Sum of Two Shillings in Bills of Credit made Currant in this Colony, whether the Said Beef or Pork be Imported in Barrells or other Larger or Smaller Cask or Vessells, & for every Negro Indian & Mollatta Slave which Shall be within this Colony above the Age of fourteen & under the Age of Fifty years, yearly and every year during the time aforesaid, the Quantity of two penny weight & twelve Grains of Sivil Pillar or Mexico Plate, or the Sum of one Shilling in bills of Credit made Currant in this Colony, & for the more Regular orderly and Effectual collecting geathering & Securing the Several Duties & Impositions herein before mentioned. Be it Enacted by the Authority aforesaid that before any Cyder, Beef or Pork imported in to this Colony, in any Ship Sloop or other Vessell Shall be Landed or put on Shore the Master Mate or Such other Person who Shall have the Care & Charge of Such Vessell, or the owner of Such Cyder Beef or Pork or the Factor to whome Consigned, Shall within Twenty four hours after his Arival in this Colony Make true report to the Treasurer of this Colony for the time being, of the Quantity of Cyder Beef or Pork on board Such Vessell, or if in the County of Suffolk at the east end of the Island Nassau to the Officer there Appointed to Collect the Colony duties, & Shall pay or Secure to be paid unto the Said Treasurer or to the Said Officer at the east end of the Island Nassau the Duties & Impositions payable by this Act for Such Cyder Pork or Beef, Intended to be

Landed or put on shore, Except as in this Act is before Excepted & the Said Treasurer or the Officer aforesaid shall give to Such master mate or other Person making Such report & paying or Securing to pay the Duty as aforesaid, a permit to land & put on shore Such quantity of Cyder Pork or Beef as Shall be so Reported & Shall retain in his hands out of the Mony so paid for Duties, the Sum of one Shilling in bills of Credit made Current in this Colony, for every Such Permit, and be it Enacted by the Authority aforesaid that all Cyder Beef or Pork Imported in to this Colony, except as before Excepted & Landed or put on Shore contrary to the true intent & meaning of this Act, without having Such Permit as aforesaid Shall be forfeited the one half thereof (after Deducting reasonable Charges or Prosecution to be Taxed by the Judge before whome Such prosecution Shall be) to any person as well Officer of his Majestys Customs as any other person whatsoever who Shall Seize Sue for & Prosecute the Same to Effect, in any Court of Record within this Colony, in which Court there Shall be no Essoin protection or Wager of Law or any more than one Imparlance allowed the other half to be Lodged in the hands of the Treasurer of this Colony for the time being to be applyed to the Uses herein after Directed, And whereas it may so happen that Cyder Beef & Pork may be Imported into & Landed or put on shore in this Colony, Contrary to the true Intent and meaning of this Act, BE it therefore Enacted by the Authority aforesaid that if any Beef Pork or Cyder Landed & put on Shore in this Colony Shall be Seized as Landed contrary to the true Intent & meaning of this Act, the owner or claimer of Such Cyder Beef or Pork Shall make Proof that Such Cyder was made in this Colony of New York, or that Such Beef or Pork was Slaughter'd & Barreld up in the Colonies of New Jersey or New York & failing to make Such Proof the Beef Pork or Cyder so Seized Shall be adjudged to the Seizor of the Same who Shall in convenient time Sell & Dispose thereof by Publick outcry or Vendue to the highest bidder & after Deducting the Charges of Prosecution & Sale as aforesaid Shall pay the one half of the neat produce to the Treasurer of this Colony to be applyed as aforesaid, Provided allways & be it Enacted by the Authority aforesaid, that in Case of Seizure & Acquittal Costs of Court Shall be Taxed & the Officer or Person Seizing Such Cyder Beef or Pork Shall pay Such costs so Taxed to the owner or Claimer

of the Cyder or the owner Claimer or Importer of Such Beef or Pork permitted by this Act, to be Imported free & Exempt from Duty, And be it Enacted by the Authority aforesaid that if a dispute shall arise concerning any Number of Barrells not Exceeding Six Barrells of Cyder two barrells of Beef or one barrell of Pork in case of Seizure Such dispute Shall be in a Summary way Determined before any two of the Aldermen of the City of New York, or any two Justices of the Peace in any of the Counties of this Colony where Such Cyder Beef or Pork Shall be Landed or put on Shore anything in this Act to the Contrary notwithstanding And be it Enacted by the Authority aforesaid, that in Case any Cyder Beef or Pork so Landed or put on shore aforesaid Shall be Seized & no Person appear to own or Claim the Same within ten dayes after Such Seizure made, it Shall then & in Such Case be Lawfull for the Person Seizing the Same to Sell & Dispose thereof as aforesaid, And whereas great Quantities of Cyder not of the manufacture of this Colony is or may be yearly carried up Hudsons River & there Vended to the Inhabitants of Ulster & Albany to the great hurt & Discouragement of the Inhabitants of this Colony & a hinderance to the Improvement thereof, Be it therefore Enacted by the Authority aforesaid that the master or owner of every Sloop or other Vessell trading up Hudsons River Shall not take on board or Land any Cyder without first having a Certificate from the Treasurer of this Colony for the time being, That the Cyder so taken on board was made in this Colony, or that it had paid the Duty of one Shilling per barrell as lay'd by this Act, which Certificate the said Treasurer is not to give unless proof be made before him by the Oath of one or more Credible persons that the Cyder so to be taken on board had paid the Duty aforesaid or was the Manufacture of this Colony & the Said Master or owner of Such Trading Sloop or Vessell is not to Land or put on shore any Such Cyder without first Producing the Said Certificate to the Treasurer of the County of Ulster for the time being or to his Deputy or to the Mayor of the City of Albany for the time being or in his absence to the Recorder of the Said City & taking a permit for Landing of the Same on Penalty of Forfeiting the Said Cyder so Landed without having Such permit to be Recovered and apply'd as herein is before Directed, for which Certificate and oath so administered by the Treasurer who is hereby Authorized to Administer the Same the Said Treasurer

Shall take to himself the Sum of one Shilling in Bills of Credit made Currant in this Colony & for the permit aforesaid, & filing of the Certificate the persons before appointed for the Counties of Ulster & Albany Shall take to themselves Each the Sum of one Shilling in Bills of Credit aforesaid from the person or persons Requiring the Same. Be it Enacted by the Authority aforesaid that if any Cyder not of the Manufacture of this Colony Shall be Landed or put on shore in any other parts of this Colony, Then at the Places herein perticularly mentioned without having Such Certificate or permit as aforesaid the Same Shall be Forfeited Recovered & applyed in the manner as herein before is Directed. AND for the Regular & Effectual gathering & Collecting of the Said Pole Tax on Slaves during the Said Ten years in the City & County of New York. Be it Enacted by the Authority aforesaid That the Mayor & Aldermen of the Said City for the time being or the greater Number of them, whereof the Mayor to be one Shall on or before the Second Tuesday in January next Ensuing, & so annually on or before the Second Tuesday of the Same Month during the before mentioned ten years, Meet & Assembly in the City Hall of the Said City, and then & there by Warrants under their hands & Seals order all the respective Assessors of the Said City & County to take & make an Exact & Compleat List of all the Slaves male & Female from fourteen to fifty years of age within their Several Wards & Districts, together with the Name & Names of the owners or Possessors thereof, & to make Return thereon in due Form to the Said Mayor, on or before the Second Tuesday in the Month of February thereafter, Each of which Assessors Shall at the time he receives Such Warrant, or before he Executes the Same Take an Oath that he Shall & will make out Such a List as aforesaid to the best of his Skill and Understanding, which Oath the Mayor or any one Aldermen of the Said City is hereby Impowered & Required to Administer, & on or before the Second Tuesday in March following, the Said Mayor & Aldermen as aforesaid are again to Meet & Assemble in the Said City Hall, & then and there by Warrants in Manner as aforesaid, Order the Respective Collectors of the Said City & County to Gather Collect and Receive in their Several Wards & Districts of & from the owners or Possessors of all the Slaves Mentioned in Such List the Sum of one Shilling a head And in Case Such owner or Possessor Shall deny Neglect or Refuse to pay the Same on Demand, it

Shall be Lawfull for the Collector to Destrain him her or them by his her or their Goods & Chattles & the Distress to Keep at the Charge of the owner for the Space of four Dayes, & not being Redeemed in that time, to make Sale thereof at Publick Vendue to the highest bidder, out of the Produce to Deduct the Said Tax & Charges & return the over plus (if any be) Immediately to the owner, And all the Mony to arise by the Said Collection all and every of the Said Collectors are annually to pay unto the Treasurer of this Colony for the time being on or before Every first day of the Months of May during the Aforesaid Ten years Retaining out of the Same Ninepence on Every pound they Shall so Collect & Pay, for their trouble therein, And the Said Treasurer is thereupon to give a Receipt Gratis for the Same which Shall be a Sufficient Discharge for so much as Shall be Mentioned therein And for the Regular & Effectual Gathering & Collecting the first Payment of the Said Pole Tax on Slaves in all the other parts of this Colony, Be it Enacted by the Authority aforesaid That the Mayor Recorder & Aldermen of the City of Albany, or the greater part of them whereof the Mayor or Recorder to be one Assisted by as many Justices of the Peace of that County as can Conveniently be got together, and in every other County of this Colony one of the Judges of the Court of Common pleas of Such Counties Respectively assisted by at least two other Justices of the Same County, do respectively meet & Assemble in the Several Court houses of the Said Citty & Counties on or before the Second Tuesday in January next Ensuing & then & there by Warrants under their hands & Seals Order & Direct all the Several Collectors of the Respective Cities Towns Mannors Liberties Wards Precincts & Islands within their Respective Jurisdictions to Gather Collect & Receive in their Respective Districts of & from all & Every owner or Possessor of Slaves the Said Sum of One Shilling a head for Every Slave Male or Female from fourteen to fifty years of age within their Several Collections, & in Case any owner or Possessor of Slaves Should deny Refuse or Neglect to Pay the Said Tax on Demand the Said Several Collectors Shall be & hereby are Vested with the Same Power as in Such Cases is herein before given to the Collectors of the City & County of New York, And each & Every of the Said Collectors are hereby required forthwith to Collect & gather in all the mony to become

Due in their Respective Districts by the Tax aforesaid & to pay the Same to the Several Treasurers of Each County for the time being on or before the Twenty Fifth Day of March next Ensuing Each Retaining in his hands Nine pence in the pound for his Trouble in Collecting & Paying the Same And every Such Collector is at the time of Such Payment to Deliver unto Such County Treasurer a true & Exact List of the Name & Names of the owners or Possessors of the Slaves for which he has Collected the Said Tax, & to take an Oath or Affirmation that Such List Contains all the Slaves from fourteen to fifty years of age within his Collection to the best of his knowledge which Oath or Affirmation the Respective County Treasurers or the next Justice of the Peace are hereby Impowered & Required to Administer & Each & Every of the Said County Treasurers are hereby Enjoined and Required to Pay all the mony which the Several Collectors of that County have paid to him by Virtue of this Act unto the Treasurer of this Colony for the time being on or before the first Day of May next Ensuing Retaining thereout Six pence on the pound for his Trouble in receiving & Paying the Same, & at the time of Such Payment he is likewise to Deliver unto the Said Treasurer Coppies of the Several Lists Delivered to him by the Respective Collectors in manner as aforesaid, & the Said Colony Treasurer is there upon to give a Receipt Gratis for the Mony so pay'd to him, which Shall be a Sufficient Discharge to Such County Treasurer for so much as Shall therein be mentioned to be Received. And in the Places above mentioned the Collection of the Nine other payments of the Said Tax on Slaves & the payments thereof, Shall in every perticular be done and performed in the very Same manner & method as is herein Directed for the first Payment of the Same, Saving only that Warrants for that Purpose Shall annually be Issued at the General Sessions of the Peace to be held for the Respective Places above Mentioned during the time aforesaid.

BE it Enacted by the Same Authority, That if any Disputes Should arise concerning Slaves whether they are under fourteen or above fifty years the Same Shall be determined in manner following, That is to Say, In the City & County of New York by one Alderman & in all the other Counties by the Next two Freeholders or Inhabitants & their Judgment by Inspection Shall Finally Determin Such disputes & be conclusive to both Parties.

And whereas Some owners of Slaves often have occasion to Imploy or Send them into Different Places of this Colony, whereby it may happen that the Said Tax be Demanded for them in Such Different Places for preventing of Disputes or hardships by that means, BE it Enacted by the Authority aforesaid, That the Several Collectors of the Said Tax Shall be Obligated to Sign a Receipt Gratis to Every Such Owner or Possessor requiring the Same for the Tax he or they Shall receive for a Slave or Slaves Mentioning the Name and Names thereof, & whoever produces Such a Receipt Shall not be Obligated to Pay the Said Tax for the Same Slave or Slaves in another Place during that year.

BE it Enacted by the Authority Aforesaid That if any Town Mannor Liberty Precinct District or Island (having Right to Choose a Collector), Shall omit Neglect or Refuse to Elect one During the Continuance of this Act, any three Justices of the Peace of the County where Such Omission Neglect or Refusal may happen Shall & hereby are Impowered & Required to Nominate & appoint a Collector for Such Place or Places, who Shall have the Same Power as other Collectors duely Elected, & be obliged to Observe the Directions of this Act Accordingly. BE it Enacted by the Same Authority that if any of the Assessors or Collectors in this Colony whether Chosen or appointed Shall During the Continuance of this Act Deny Neglect or Refuse to do & Perform all & Singular the Duties & Services hereby Required to be done and performed by them Respectively & thereof be convicted before any two or more Justices of the Peace of the Cities & Counties where Such offender Shall Dwell or Reside (who are hereby Impowered & Required to hear Try and Determin the Same) Shall by Warrant under the hand & Seal of Such Justices be Committed to the Common Goal there to Remain until he Pay the Sum of Ten pounds one half to the person that Shall Sue for the Same the other half to the Treasurer of this Colony, who is to apply the Same as all other monys to arise by Virtue of this Act. And if a Collector so offending Should have Received all or part of the Tax on Slaves Due, or to be come Due in that year within the Ward or District whereof he is Collector & not having paid the Same to the Treasurer as is herein before Directed, he Shall (over & above the Said Sum of Ten pounds) forfeit Double the Sum he

Shall have so Received or Collected, to be Recovered in any Court of Record within this Colony, By Bill Plaintiff or Information & to be applyed in manner as aforesaid.

BE it Enacted by the Same Authority That if any Mayor Alderman or Justice of the Peace within this Colony (who are hereby Impowered & Required to take Effectual care that this Act be Duely Executed, According to the true Intent & meaning thereof) Shall at any time During the Aforesaid Ten years Deny Delay Refuse or Neglect, to do perform & Execute all or any of the Duties & Powers by this Act Required to be done and performed by him, & Shall thereof be Lawfully Convicted in any of his Majesties Courts of Record within this Colony, he or they Shall for Such or any Such offences Suffer Such Pains & penalties by Fine or Imprisonment as by the Discretion of the Justices of Such Court Shall be Adjudged.

BE it Enacted by the Authority aforesaid that all the Several Sums of Mony to Arise by Virtue of this Act Shall be received by & paid to Abraham De Peyster the present Treasurer of this Colony, or to the Treasurer thereof for the time being & that of the Same he Shall keep Exact & perfect books & Render true & Distinct Accounts thereof upon Oath, to the Governour Council or General Assembly when by them or any of them thereunto Required, & as a Reward for his Trouble therein, & for all the other Services by this Act Required to be done & performed by him, he Shall be, & hereby is allowed to Retain for his own Use out of all the mony so to arise as aforesaid the Sum of two pounds ten Shillings on Every hundred pound he Shall so Receive, & in that proportion for a greater or Lesser Sum.

AND be it further Enacted by the Authority aforesaid That all the Several Sums of Mony to arise by Virtue of this Act Shall Remain in the Treasury until the Same Shall be applyed towards Sinking Bills of Credit Intended to be Struck & Issued to make Ready payments for materials & Workmanship to Erect Fortifications in this Colony, at Such places & in Such manner as by Act or Acts of the General Assembly to be Passed for that Purpose Shall be Ordered & Directed, & to and for no other use or Purpose whatever.

(CHAPTER 625.)

[Chapter 625 of Livingston & Smith and Van Schaack, where the act is printed in full. Chapter 625 of Van Schaack, where the title only is printed.]

An Act to Strike and make Current
Bills of Credit to the Value of Twelve thousand Pounds on the Fonds and for the Uses therein Mentioned.

[Passed, November 28, 1734.]

WHEREAS in the Year One thousand Seaven hundred & Nine and One thousand Seaven hundred & Eleven Several Large Sums of Mony were raised & Levied in this Colony for the two Expeditions Intended against Canada in those two years & for Carrying on the Same Effectually on the part of the Said Colony, & to make present Payment for the Provisions stores and other Necessaries, as well as the pay of the men Imploy'd in that Service Bills of Credit were Struck & Issued on the Fonds therein Mentioned & Provision made that the Same Should gradually be Sunk & Dstroy'd as those Several Fonds came in as in & by the Respective Acts of the General Assembly then passed for the purposes aforesaid may more at large appear.

And altho no bills of Credit were ever Emitted in this Colony until the Importance of the Intended Service above Mentioned Induced the Legislature to Strike the Same, Yet other bills of Credit have Since been Struck & Issued in the Said Colony but to no greater Value at any time but Such as were Conceived absolutely Necessary & at every Such time Effectual Fonds were provided whereby to Sink Cancell & Dstroy the Same by which prudent care all the bills of Credit Struck & Issued in the Said Colony which remain Uncancelled, do Still preserve the Same Reputation & are as Current in Trade & in the Treasury for the full Value they are Struck for as they were & have been from the first time this Colony Emitted a paper Currency.

And whereas from the present Situation of affairs in Urope we are not without apprehensions that Great Brittain may find it Necessary to take part in the Wars which are broke out and vigorously Carryed on between Several of the most powerfull Princes & Potentates therein, The General Assembly have Resolved & provided means to fortify this Colony & make it Defencible against any attacks or attempts by Sea or Land, which will no less tend to the Honour of his Majesty than to

the Security of this his Said Colony & of his Liege Subjects Inhabiting the Same, & which ought not to be Neglected though there was a Certainty that Great Brittain would remain Longer in a profound Peace than it has had the Happiness to Enjoy for many Years past.

And as the before Mentioned Expeditions were Intended for the Security of all his Majestys Colonies & Plantations on this Continent, So the Said Fortifications will be a Security to many of them in general & to this Colony in perticular & as the Said Expeditions could not have been Carried on without the help of a paper Creditt so it will be Impracticable to fortify this Colony in manner as aforesaid unless the Same expedient be made use of. And to the End this Colony may be Enabled Effectually & in the Speediest manner to Fortify itSelf persuant to an Act passed herewith Entituled an Act to appoint, and Impower Commissioners for Erecting Fortifications in this Colony at the Several Places therein Mentioned.

The General Assembly therefore pray it may be Enacted, & be it Enacted by his Excellency the Governour the Council and the General Assembly & it is hereby Enacted by the Authority of the Same that on the Several Fonds herein after Mentioned & for the more Speedy Erecting and Building the Fortifications aforesaid, there Shall be forth with printed Signed & Lodged in the Treasury Bills of Credit to the Value of Twelve Thousand Pounds currant mony of this Colony that is to Say. Three hundred Bills of the Value of Ten pounds Each, Six hundred Bills of Five Pounds Each, Eight hundred bills of Three Pounds Each, Eight hundred Bills of two Pounds or Fourty Shillings Each. One Thousand Bills of One pound or twenty Shillings each, One Thousand Bills of Ten Shillings each & two Thousand Bills of Five Shillings Each. Upon Each & every of which Bills shall be Impressed on the Left Side of the Said Bills the Arms of the City of New York, & the Said Bills shall be in the form following (to witt) This Bill by Law Shall pass Current in the Colony of New York for in all payments & in the Treasury, New York fifteenth November one thousand Seaven hundred & thirty four.

Which said bills Shall be Signed & Numbered by John Cruger Frederik Phillipse Cornelius Van Horn & Stephen Byard Esq'rs or any three of them, & in Case of the Death of any of the Said Persons the Said Bills Shall be Signed & numbered by the

greater number of them then alive, & the Bills of Credit aforesaid to be Struck & Issued by Virtue of this Act, Shall be & continue Current in all payments & in the Treasury until the twenty fifth day of March, which will be in the year one thousand seven hundred & fourty Six & no Longer. And altho' the Persons herein Named & Impowered to Sign the Said bills of Credit, have Generously offered to do the Several Services by this Act, Directed to be done & performed by them without any Reward. Be it nevertheless Enacted by the Authority aforesaid, that Towards their Expences whilst they Perform the Said Services, the Treasurer of this Colony shall pay unto them in bills of Credit made Current by this Act, to the Value of Eight pounds if they please to receive the Same, & their receipt shall be a Sufficient Voucher & Discharge to the Treasurer for that Sum.

Be it further Enacted by the Authority aforesaid, that each of the persons herein appointed for the Signing & Numbring of the Said bills of Credit shall before they Sign & Number any of them, take an Oath before any one of the Majestrates of the City of New York, in the following (to witt).

I A B do Swear that I will truely Sign or Number all the bills of Credit Directed to be Struck & Issued by Virtue of an Act Entituled an Act to Strike & make Current bills of Credit to the Value of Twelve thousand Pounds on the Fonds, & for the Uses therein Mentioned, & no more Except Impowered by an Act of Assembly of this Colony so to do, & that I will Deliver unto the Treasurer of this Colony for the time being, all the bills of Credit so Signed or Numbered by me & no more than the Number, mentioned in the Said Act, & of the Same Value According to the true Intent & meaning thereof So help me God, which Oath the Said Magistrate is hereby Required & Impowered to Administer. And if it Shall happen that any Supernumerary bills are Left after the Said Number Shall be Delivered to the Treasurer in manner aforesaid, all Such Supernumerary bills shall be burnt & Dstroyed by the Said Signers in the presence of the Treasurer of this Colony.

Be it further Enacted by the Same Authority, that the Bills of Credit hereby Enacted to be Struck & Issued Shall be received by the Treasurer of this Colony, in all Publick payments, & for any Fond at any time in the Treasury, & by any Person or Persons within this Colony, in all Cases whatsoever During the time they are Enacted to Continue, & Shall be of

Equal Value, & be as Effectually Current as any bills of Credit heretofore made Current in this Colony by any Act or Acts of the General Assembly of the Same, And any Person or Persons Refusing to take them in Payment (during the time hereby appointed for the Said bills to be Current) for any Sum due or hereafter to become due or for any Contract already made or hereafter to be made, or for any Consideration whatsoever for any Effects or Services already Delivered or Performed, or hereafter to be Delivered or Performed, Shall be Lyable & is hereby made Liable & Subjected to all the penalties and Forfeitures contained in any or all the Acts of the General Assembly of this Colony, at any time Enacting & Enforcing the Currency of bills of Credit, as fully to all Intents constructions & Purposes whatsoever, as if the words of all or any of the Acts aforesaid Relating to the bills of Credit, or Enacting & Enforcing the Currency of the bills of Credit in them mentioned had been Perticularly expressed or, transcribed & herein & hereby Enacted.

Be it further Enacted by the Authority aforesaid, that if any Person or Persons whatsoever Shall presume to Counterfeit or Imitate any of the bills of Credit made Current by this Act, or Shall alter any of the bills made Currant as aforesaid so that they Shall appear to be of greater Value than by this Act, the Same bill or bills so altered were Enacted signed & numbered to Pass current for, or Shall knowingly Pass or give in payment any of the bills aforesaid, so counterfeited Imitated or altered Every Person so guilty of Counterfeiting Imitating or Altering any of the Said bills as aforesaid, or of Knowingly Passing or Giving in Payment, any Such counterfeit Imitated or Altered bill, Shall be guilty of Felony, & being thereof Convicted, shall suffer the pains of Death without the benefit of Clergy.

And be it further Enacted by the Same Authority, that William Bradford Shall be paid by the Treasurer of this Colony, in bills of Credit hereby made Current the Sum of Eight pounds, as a reward for his Printing the Said bills of Credit & providing Paper, & for penns & Ink to Sign the Same.

And whereas the Stamps of the Arms of the City of New York heretofore made Use of, for Printing bills of Credit Issued in this Colony, are not only too Large for the bills by this Act Directed to be Struck, but also much worn, And it being conceived Necessary to have a new Sett of Stamps made.

Be it Enacted by the Authority aforesaid, that the Treasurer of this Colony, do Cause the Said old Stamps to be broke in pieces in the Presence of Coll. Lewis Morris Jun'r. & Coll. Frederik Phillipse, & that Mr Charles Le Roux do make ten new Stamps, of the Arms of the City of New York of a Smaller Size, for Which Service he Shall recieve from the Treasurer of this Colony, the Sum of Twenty five Pounds in bills of Credit made current by this Act, which Sum Shall Likewise be in full of a Debt of four pounds due to him for Services performed by him in Engraving of the Said old Stamps.

And be it further Enacted by the Same Authority, that when the Said Stamps are Compleated and made, the Said Charles Le Roux shall deliver them into the Hands of the Said Treasurer, who Shall (in the Presence of the aforesaid Signers or the greater Number of them) deliver the Said Stamps to the Said William Bradford, taking his receipt for the Number of Stamps so delivered to him, And when the Said William Bradford has finished & Compleated the printing the Quantity & Sorts of bills hereby Directed to be Struck & Issued, He Shall Redeliver the Said Stamps to the Said Treasurer, in the Presence of the Signers aforesaid or the greater Number of them, who Shall be & hereby are Each of them obliged to Seal them up with their Several Seals, and so to remain in the Treasury until they Shall be Ordered to be made use of by any future Act of Assembly And the receipt of the Said Treasurer shall be to the Said Bradford a Sufficient discharge for Such Redelivery, and the Said Printer is hereby directed & Required to Deliver to the Signers herein and hereby appointed to Sign the Said bills, all & every bill or bills of Credit by him printed According to the form & manner herein before Directed, & Shall at the Same time, take an Oath upon the Holy Evangelists, that the bills of Credit by him then Delivered are all and every the bills of Credit by him Printed by Virtue of this Act, And that neither he the Said Bradford nor any Person or Persons by his Consent privity or procurement, has directly or indirectly any other or more of them than is now & has been by him delivered to the Said Signers, Which Oath the Treasurer is hereby Impowered Required & Directed to Administer.

And that the bills of Credit hereby Directed to be Struck & made currant in this Colony, may again be gradually Sunk Cancelled and destroyed.

Be it Enacted by the Authority aforesaid, That all the Sums and Sums of Mony which have Arisen or Shall arise by Virtue of the Several Acts of General Assembly hereunder Mentioned that is to Say,

One Act Entituled an Act to lay a Duty of Tonnage on the Vessells & for the time therein Mentioned, Passed in this present year one thousand Seaven hundred & thirty four.

One other Act Entituled an Act to Lay, a duty on the Goods & a Tax on the Slaves therein Mentioned during the time and for the Uses Mentioned in the Same, & one other Act Entituled an Act, to prolong the Duty of Tonage lay'd by an Act Entituled an Act, to lay a Duty of Tonnage on the Vessells & for the time therein Mentioned, Shall be and hereby are applyed to & for the Sinking Cancelling and Destroying of the Said Bills of Credit and to and for no other Use or purpose whatsoever during the Continuance of the Several Acts Aforesaid.

And for the Orderly & Effectual Sinking Cancelling & Destroying of the Said Bills of Credit accordingly, Be it Enacted by the Same Authority, That so much as by a fair & Exact account to be Stated by the Treasurer of this Colony for the time being, Shall appear to have Arisen by Virtue of the Acts Aforesaid, on Every first Tuesday in the Month of October during the Continuance of the Said Acts, and the Currency of the Said Bills of Credit, the Said Treasurer Shall then in the presence of the Said Signers or the greater Number of them then alive, Giving them reasonable Notice beforehand, yearly any every year During the time Aforesaid, to Sink cancel & Destroy a Like Value of the Said Bills of Credit, And under a List of the Sorts & Values of the Said bills that Shall be so Sunk, The Said Signers are to Certify that the Same are Sunk Cancelled & Destroyed in their Presence, which Certificate, Shall be unto the Said Treasurer a good Voucher, that so many & to that Value of the Said bills of Credit are Destroyed.

And that it may be truly known what Number & Value of Such Bills are Cancelled Burnt & Destroyed at any of the time, or times directed by this Act for Sinking & Destroying the Said Bills, It is further Enacted by the Same Authority that the Treasurer of this Colony Shall keep a true perfect & Distinct account of all Such Bills as Shall by him be received & Destroyed in manner before mentioned, and Shall render Accounts thereof upon oath, if thereunto required by the Governour Council or Assembly or any of them.

And whereas Coll Phillip Schuyler has at the Request of the General Assembly, & with the Approbation of his Excellency Performed an Embassy to the Senekas Nation of Indians to Confirm them in his Majesties Interest, & for that Purpose not only Carryed Several Presents but left others to be distributed among them, with a Smith and some other People who were to reside with the Said Nation for the Term of Twelve Months, And it being Reasonable that he be repaid the Expence of the Said Embassy out of the Fonds on which the Bills of Credit above Mentioned are to be Struck Pursuant to a Former Resolve, Be it Enacted by the Authority aforesaid That the Treasurer of this Colony, do pay out of the Bills of Credit hereby made currant unto the Said Coll Phillip Schuyler or his Assigns the Sum of four hundred & Twelve pounds in full Discharge of the Said Embassy. And the Expences which have attended the Same, and his receipt Shall be a Sufficient discharge for so much to the Said Treasurer.

Be it provided & further Enacted by the Same Authority that whatever Mony Shall or May Arise by the Several Fonds above Mentioned, more than is or will be Sufficient to Sink & Cancel the bills of Credit Struck & Issued by Virtue of this Act, in Manner as aforesaid, Shall be & hereby is Enacted to remain in the Treasury Until the Same be applyed or disposed of by Act or Acts of the General Assembly hereafter to be Passed for that Purpose, & to & for no other Use or purpose whatsoever.

And be it further Enacted by the Authority aforesaid, that if the above Mentioned Fonds Should prove Insufficient to Cancel Sink & Destroy, the Said Bills of Credit Struck & Issued by Virtue of this Act, at or within the time above Limited, the General Assembly will find proper means to make good that Defeciciency.

And whereas William Bradford did by the Direction of the General Assembly & for the Use of the Members of the Said Assembly, Print the Opinions of Mr William Smith & Mr. Joseph Murray the Cost whereof amounting to the Sum of Thirty four pounds, and it being reasonable he Should be paid for the Same, Be it Enacted by the Authority aforesaid, that the Treasurer of this Colony, Pay out of the Bills of Credit, hereby made Current the Said Sum of thirty four pounds unto the Said William Bradford, whose Receipt for it Shall be a Sufficient discharge, to the Said Treasurer for the Same.

BE it further Enacted by the Authority aforesaid, that Abraham De Peyster Esq'r the Present Treasurer of this Colony, or the Treasurer thereof for the time being Shall Keep & retain in his own hands out of the Bills of Credit made current by this Act, the Sum of one pound ten Shillings on every hundred pounds as a Reward for his trouble & Services in Receiving & Paying the Bills of Credit hereby made Current & for all the other Services by this Act Required to be done & performed by him.

Be it further Enacted by the Same Authority that all the Bills of Credit hereby made Current Except the Several Sums herein & hereby Directed to be Paid to the Respective Persons before Mentioned, Shall Remain in the Treasury until the Same be applyed towards Enabling Comissioners to make ready payments for Materials & workmanship to Erect Fortifications as in & by an Act Entituled an Act to appoint & Impower Commissioners for Erecting Fortifications in this Colony, at the Several Places therein Mentioned Shall be Ordered & Directed.

(CHAPTER 626.)

[Chapter 626 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to appoint and Impower Commissioners for Erecting Fortifications in this Colony at the Several Places therein Mentioned.

[Passed, November 28, 1734.]

WHEREAS Several Fonds are Granted by the General Assembly, on which bills of Credit to the value of Twelve thousand pounds are to be Struck & made Currant in this Colony to make Ready payments for Materials & Workmanship to make the Said Colony Defencible both by Sea & Land, as in & by the Several Acts which Grant those Fonds, & Enact the Currency of the Said Bills of Credit, & the more than Ordinary Necessity there is of Doing the Same in the Speediest Manner, by Reason of the present Posture of National affairs in Europe, may more fully & at Large Appear

And whereas Such Fortifications will tend not only to the Security of the Said Colony, but Discourage an Enemy to make attacks upon it, & at the Same time Encourage his Majesties Subjects Inhabiting within the Same to Exert their Bravery in

Making a Vigorous Defence in Case Such Attempts might happen to be made.

Be it therefore Enacted by his Excellency the Governour the Council & the General Assembly & it is hereby Enacted by the Authority of the Same, that the City of New York Shall be Fortified by making & Erecting a Substantial Battery on the Rocks Lying off of White Hall commonly called Copsie Rocks and to adjoin to the Land already there, So far Westward as the Wharff commonly called Hunts Peer, in Such manner as the Commissioners hereinafter named, with the Advice of the present Members of the Assembly for the Said City & County by & with the approbation of the Captain General or Commander in Chief for the time being, Shall be Judged most Usefull to make the Said City Defencible Against Attempts upon it by Water.

Be it Enacted by the Same Authority, that John Cruger Cornelius De Peyster John Rosevelt & John De Witt Petroze Esq'r. Shall be & hereby are appointed Commissioners for the purposes above Mentioned in the Said City of New York, & they or the greater Number of them are hereby Impowered & Required to begin carry on & Compleat the Said Fortifications in manner as aforesaid with all the Expedition which the Nature of the Several Services hereby Intended & Directed will Reasonably admit of, as Likewise to cause Carriages for the great gunns to be made or Repaired, & to Erect Sheds to preserve the Same against the weather when it Shall be judged needless to keep the Said Great Guns Mounted, And to procure Stone Timber Iron Work & all other Materials; and to Employ able workmen Labourers Vessells Carts & what may be further Required in and about the Severall Works & Services aforesaid, at the most Moderate Rates they can, to the End the Fortifications & other Services aforesaid, May, According to the true Intent & meaning of this Act, be built and Compleated in the Speediest & Cheapest manner. And the Said Commissioners are hereby Required to Keep Exact books of the Perticular Cost & Charges which Shall be Expended in & about all the Several Services aforesaid.

And for Enabling the Said Commissioners to perform & finish all the Several Services aforesaid, and to make Ready Payments for the Same Be it Enacted by the Authority aforesaid, That the Treasurer of this Colony Shall Pay unto them or the greater number of them on Demand out of the Bills of Credit made

Currant by an Act Entituled an Act, to Strike & make Currant Bills of Credit to the Value of twelve thousand Pound on the Fonds & for the Uses therein Mentioned, a Sum not Exceeding the Sum of five hundred pounds & so from time to time as the Mony so to be Received, Shall be Expended by them, to and for the Services aforesaid, the Like Sums of five hundred pounds at a time so nevertheless as that the whole Sum so be paid unto the Said Commissioners, for the Uses above Mentioned, & the Sallary or Commissions herein after allowed to them as a Reward for their Care & Trouble, in and about the Several Services by this Act Intended & Required to be done and performed by them. Doth not in all Exceed the Sum of Six thousand pounds, & for the Sum & Sums of Mony they Shall from time to time so receive, They Shall give Receipts under their hands to the Said Treasurer, which Receipts Shall be to him Sufficient Discharges for so much as Shall therein be acknowledged to be Received Provided the Same do not in the whole Exceed the above Mentioned Sum of Six thousand pounds, And of the Mony so to be Received by the Said Commissioners, as Likewise of the Due Disposition & application thereof, They are hereby Required to Render true & Distinct accounts upon Oath to the Governour or Commander in Chief for the time being, the Council or the General Assembly, when by them or any of them thereunto Required.

And to the End that when Such a Battery Shall be built & Erected as aforesaid It may not be rendered useless by buildings to blind or Incumber the Same.

Be it Enacted by the Authority aforesaid that after the Publication of this Act, no manner of Houses or other Edifices whatever (Except for Platforms Battaries or other Fortification) shall be built or Erected either in the River or in any part or parts which now overflow with the Water from & between the Westerly part of the Battery so as aforesaid to be Built on Copsie Rocks to the Place commonly called & Known by the Name of Elds Corner or Slip, any Law Grant or any other Claim or Pretentions whatsoever, to the Contrary thereof in any wise notwithstanding, Saving nevertheless to the Corporation of the City of New York, the Right they have to the Land, from High to Low Water mark, between the two Places above mentioned, under Colour of which the Fortifications aforesaid are However in no wise to be Incumbered or Blinded.

Be it further Enacted by the Authority aforesaid, That at the City of Albany there Shall be Erected & Compleated, where the Old Fort now Stands, a Good new Stone Fort, in Such manner & Form as the Commissioners hereinafter named, with the Advice of all the Present Members of the General Assembly Representing the Said City, or any other parts of the County of Albany, or the greater number of them, by & with the approbation of the Captain General or Commander in Chief, for the time being, Shall be Judged Most usefull & Defencible against any Attacks that Might be Attempted upon the Said Fort or City, by Land, and that in like manner, there Shall be Erected in Such Fort Barraks, for his Majesties Soldiers to be Garrisoned therein, a good Magazine for Powder, allso, Either to put the House for the officers in Sufficient Repair, or to build a new one for them in the Said Fort, and to make good & Substantial Carriages for the great Gunns, which Shall be placed in the Same.

Be it Enacted by the Authority aforesaid, That Rutger Blycher, John De Peyster, John Schuyler, Jun'r James Steveson & Stephen Van Renselaer, Esq'rs Shall be, & hereby are appointed Commissioners for the Several purposes above mentioned in the Said City of Albany, & they or the greater number of them are hereby Impowered & Required to begin Carry on & Compleat the Said Fort Barraks Magazine officers House & Carriages in manner as aforesaid, with all the Expedition which the Nature of the Several Services hereby Intended & Directed will Reasonably admit of, And for those Purposes to procure Stone Lime Timber Iron Work & all other Materials, & to Imploy able Workmen Labourers Vessells Carts Waggons Slaes & what may Else be requisite in & about the Several works and Services aforesaid, at the most Moderate Rates they can, to the End the Said Fort & all the other Services before Mentioned May according to the true Intent & meaning of this Act be built & Compleated in the Speediest & Cheapest manner And the Said Commissioners are hereby further Required to keep Exact Books of the perticular Cost & Charges which Shall be Expended in & about the Several Services before Mentioned. And to Enable the Commissioners last Mentioned to perform & finish all the Several Services before Mentioned, & to make ready Payment for the Same.

Be it Enacted by the Authority aforesaid, that the Treasurer of this Colony Shall pay unto them on Demand out of the Bills

of Credit made Currant by the Act aforesaid, a Sum not Exceeding the Sum of five hundred pounds, & so from time to time as the Mony so received shall be Expended by them, to & for the Services aforesaid the like Sums of five hundred pounds at a time, so Nevertheless as that the whole Sums so to be payd to the Said Commissioners for the Uses aforesaid, & the Sallary or Commission hereinafter allowed to them as a reward for their Care & Trouble in & about the Several Services by this Act Intended & Required to be done & performed by them, doth not in all Exceed the Sum of four Thousand pounds, and for the Sum and Sums of Mony, They Shall from time to time so Recieve, They Shall give Receipts under their hands to the Said Treasurer, which Receipts Shall be Sufficient Discharges to him for So much as Shall therein be Acknowledged to be Received, provided the Same doe not in the whole Exceed the above Mentioned Sum of four Thousand pounds, And of the Mony so to be Received by the Said Commissioners, as likewise of the due Disposition & applycation thereof, They are hereby required to Render true & Distinct accounts upon oath to the Governor or Commander in Chief for the time being, The Council or the General Assembly, when by them or any of them thereunto required, And in Case any Mony is Left out of the Said Four thousand pounds after the Fort & other Services in Albany, are Fully Finished & Compleated.

Be it Enacted by the Authority Aforesaid, That it Shall be Lawfull to & for the Said Commissioners with the advice & by the Approbation before Mentioned, to Imploy Such overplus, to & for Erecting Such Fortification at the Place called Saratoga, as Such overplus will allow of, as well for the Security of the People Inhabiting there, as for a proper out Fortification upon other Occasions.

And whereas Gilbert Livingstone Esq'r did in the year one thousand Seaven hundred & thirty by order of the Government Survey the Fort at Albany, & make a plan for a new one to be Erected there for which he has hitherto had no reward,

Be it Enacted by the Authority Aforesaid, That the Said Commissioners for Albany, Shall out of the Mony, they are to Receive by Virtue of this Act (Notwithstanding anything to the Contrary therein contained) Pay unto the Said Mr. Livingston in full Discharge of the Services above Mentioned the Sum of Twenty pounds & his Receipt for it Shall be & hereby is allowed a good Voucher to the Said Commissioners for that Sum.

Be it further Enacted by the Authority aforesaid, That on a Sufficient Stone foundation a good Fort of Square Beams, with four good Block housen in the Corners thereof, well covered with good white pine Shingles, Shall be Built & Erected & in Such manner in the Town of Schonegtade within the County of Albany, where the old Fort now Stands, as the Commissioners hereinafter Named, with the advice of the Present Members of the General Assembly, Representing the Said Town or any other parts of the County of Albany, or the greater Number of them, by & with the approbation of the Captain General or Commander in Chief for the time being, Shall be Judged most usefull and Defencible against any Attacks that might be Attempted by Land upon the Fort or Town aforesaid. And that there Shall Likewise be made good & Sufficient Carriages for the great Gunns that Shall be placed in Such Fort.

Be it Enacted by the Authority Aforesaid, That Simon Vroman & Johannes harmanite Wendall, Shall be & hereby are appointed Commissioners for the Purposes above Mentioned, in the Said Town of Schonegtade, & they or Either of them are hereby Impowered & Required to begin Carry on & Compleat the Said Fort, Block housen & Carriages, with all the Expedition which the Nature of those Services according to the true Intent & meaning of this Act will reasonably admit of, and for that End to procure Stone Lime Timber Iron Work & all other Materials, & to Imploy able workmen Labourers Slaes Waggons & what may Else be Required in & about the Said Several works & Services, at the most moderate Rates they can, to the End, the Fort Block housen & Carriages aforesaid may, according to the true Intent & meaning of this Act, be Built & Completed in the Cheapest & Speediest manner. And the Said Commissioners are hereby further Required to keep Exact Books of the Perticular Cost & Charges which Shall be Expended in & about the Several Services before mentioned. And for Enabling the Commissioners Last mentioned to perform & finish the Fort, Block housen & Carriages above mentioned, & to make ready Payment for the Same.

Be it Enacted by the Authority Aforesaid, That the Treasurer of this Colony Shall Pay unto them, or Either of them, on Demand, out of the Bills of Credit made Currant by the Act herein before Mentioned, a Sum not Exceeding the Sum of two hundred pounds, & So from time to time, as the Mony So

Received Shall be Expended by them, for the purposes aforesaid, a like Sum of two hundred pounds at a time, So Nevertheless, as that the whole Sum so to be pay'd to the Said Commissioners, for the Uses aforesaid, & the Reward herein after allowed to them, doth not in all Exceed the Sum of Eight hundred pounds. And for the Sum and Sums of Mony so by them to be Received, from time to time, They shall give Receipts under their hands to the Said Treasurer, unto whome the Same Shall be Sufficient Discharges for so much as Shall therein be Acknowledged to be received, Provided the Same does not in all Exceed the above-mentioned Sum of Eight hundred pounds. And of the Mony so to be Received by the Said Commissioners, as likewise of the due Disposition & applycation thereof, They are hereby Required to Render true & Distinct accounts, on Oath, to the Governour or Commander in Chief, for the time being, the Council or the General Assembly, when by them or any of them, thereunto Required.

Be it further Enacted by the Authority aforesaid, That the Several Commissioners herein before named & appointed, Shall, as soon as they have made an Estimate of the Sorts & Quantities of Materials Requisite to accomplish the Respective Services by this Act directed to be Severally done by them, By Publick advertisements, Desire all Persons willing to furnish Such Materials, at the Lowest Rates for Ready mony, to appear before them at a Certain Day & Place; to be Mentioned in Such advertizements, & then & there, or at Some other time or times thereafter, Contract for Such Materials accordingly. And to prevent Exactions in the prices of Materials, or in Labour, the Said Commissioners are hereby Required, out of the Bills of Credit They are to Receive by Virtue of this Act, to Make Ready payment in Such Bills of Credit, or any other Mony Currant in this Colony, & in no other manner whatever for all the Materials & workmanship that Shall be Employed for & towards the Respective Services herein Directed to be Severally done & performed by them.

Be it further Enacted by the Authority aforesaid, that the Several Commissioners herein before Named & appointed, Shall before they recieve any part of the Mony hereby Directed to be pay'd unto them, Enter into the following Recognizances to our Sovereign Lord the King his Heirs and Successors. That is to Say, Each of the Commissioners for the City of New York before one of the Justices of the Supream Court, in the Sum of one

thousand five hundred pounds with two Sufficient Suritys, Each in half that Sum, Each of the Commissioners for Albany before the Mayor or Recorder of that City, in the Sum of Eight hundred pounds, with two Sufficient Suritys, Each in half that Sum, And Each of the Commissioners for Schonegtade before the Said Mayor or Recorder in the Sum of four hundred pounds with two Sufficient Surety's, Each in half that Sum; Conditioned that They Shall & will Each for his part well Truly & Duely Imploy & apply the mony, so to be received by them as aforesaid, to & for the Several Uses & Services Directed by this Act, & well & Duely to observe do & perform all other the Directions thereby required to be observed done & performed by them according to the true Intent & meaning thereof. Which Several Recognizances, Shall with all Convenient Speed, be Lodged in & Transmitted to the Treasury of this Colony, by the Persons before whome the Same are hereby appointed to be Taken.

BE it Enacted by the Authority aforesaid, That if any of the Said Commissioners Shall fail in Imploying & applying the Mony So to be Received by them in manner & for the Uses directed by this Act, or omit to observe doe & perform What is thereby further Required to be Observed done & performed by them, In Such Case or Cases the Said Recognizances Shall be Proceeded upon, in due Form of Law, against Such offender or offenders, or his or their Suretys, in any Court of Record within this Colony, wherein no Essoin, Protection, wager of Law, or more than one Imparlance Shall be Allowed. And the mony to be recovered in Consequence thereof, Shall be pay'd into the Treasury of the Said Colony, & apply'd to & for the Fortifications, & other Services herein Directed, at the Place or Places where Such offence Shall happen to be Committed.

And to the End the Several Commissioners herein before appointed for New York Albany & Schonegtade may be Incouraged to do & perform the Several Services by this Act Required, to be done & performed by them Respectively,

Be it Enacted by the Authority Aforesaid, That they Shall be & hereby are allowed to Retain out of the Several Sums by this Act Directed to be Imploy'd by them, at the three Places above mentioned The Sum of four pounds on Every hundred pounds they Shall so Imploy & Lay out for the purposes aforesaid, & in that proportion for a greater or Lesser Sum, as a Reward for their Care & Trouble in and about the Services to be performed by them in the manner herein before Directed.

And whereas out of the Sum of five hundred pounds, Intended for Messengers & presents to the Senekas Nation, & for a Smith & Some other Persons to Reside among them & building Fortifications there if found Feasible & Practicable, There has already been provided in the before mentioned Act, for the Currancy of Bills of Credit, the Payment of four hundred & Twelve pounds, to Coll Phillip Schuyler for an Embacy & presents by him made & performed to the Said Nation & Leaving a Smith & others amongst them.

Be it Enacted by the Authority Aforesaid, That the Eighty Eight pounds Remainder of the Said five hundred pounds Shall be Employed in manner following, that is to Say, to Johannes Roseboom & Nicholus Bleecker for a Journey to the Onyda Nation of Indians made by them upon an Extraordinary Occasion, by an Order of the Commissioners of Indian Affairs at Albany, in Pursuance of an Order of the Late Governour Montgomerie, for that purpose in the year one thousand Seaven hundred & Twenty nine, The Sum of thirty pounds & their Receipt for the Same Shall be a good discharge to the Treasurer for that Sum & the remaining fifty Eight pounds Shall be Employed for Such a Smith & other fit Persons as the Said Commissioners of Indian Affairs Shall Judge Proper to Reside amongst the Said Senekas Nation for the Term of one year, as well to Accomodate the Said Indians in Repairing their Gunns and Hatchets, as to Continue their Dependance on & affection to his Sacred Majesty & upon a Certificate from the s'd Commissioners of Indian Affairs That Such Smith & such Persons Shall have Resided among the Said Nation for the Term of one year from & after the first day of August, which will be in the year one thousand Seaven hundred & thirty five, the Treasurer of this Colony is to pay out of the Said Bills of Credit to Such Smith & other Persons a Sum not Exceeding the Said Sum of fifty Eight pounds & a Receipt from Such Smith or Such other Persons, on the back of Such Certificate as aforesaid, Shall be a Sufficient Voucher & Discharge to the Treasurer, for so much as Shall therein be Mentioned to be Received, provided the Same does not Exceed the Said Sum of fifty Eight pounds.

And whereas there was Intended the Sum of two hundred pounds to purchase great Gunns & making Carriages for them, to & for the Use & Security of the County of Suffolk on the Island Nassau, Including a Demand of about forty pounds Expended in that County Some years ago to oppose the Designs of a Pyratival Vessell which Infested the Same at that time.

Be it Enacted by the Authority Aforesaid, That the Treasurer of this Colony Shall out of the Bills of Credit before Mentioned. Pay, unto David Corey John Tuthell Jun'r & Richard Brown of Southhold, John Howel of South Hampton & Eliezar Miller of East Hampton Esq's or to the greater Number of them then alive, The Said whole Sum of two hundred pounds, out of which They are hereby required in the first place to Distribute in the best manner They are able, the Sum of thirty Eight pounds ten Shillings, to & among Such Persons in the Said County as actually Lay'd out mony Provisions or other Expences in & about the opposing the Designs of the Said Piratical Vessell, & the remaining one hundred & Sixty one pounds ten Shillings, They or the greater Number of them are hereby further Required to lay out & Imploy in purchasing of great Gunns Carriages Rammers Ladles & other Necessarys for the Same, to & for the Use and Security of the Said County & to & for no other Use or Purpose whatsoever, And of the Due Disposition & application of the Said one hundred & Sixty one pounds ten Shillings to & For the purposes aforesaid, They are to keep Exact Books, and to Render Distinct & true accounts thereof upon Oath, to the Governour or Commander in Chief for the time being, the Council or the General Assembly, when by them or any of them thereunto Required.

Be it Enacted by the Authority aforesaid, That one or more of the Several Persons above named, Shall, before They receive any part of the Said one hundred & Sixty one pounds ten Shillings Enter into Recognizance before the Justices of the General Sessions of the Peace, to be held for that County, unto our Sovereign Lord the King, his Heirs & Successors, in the Said Sum of one hundred & Sixty one pound ten Shillings, with two Sufficient Suretys, Each in half that Sum, Conditioned, that they, or the greater number of them, Shall & will, well & truely apply & Imploy the Mony so to be Received by them, according to the Directions, Intent & true meaning of this Act, Which Recognizance Shall with all Convenient Speed be transmitted to the Treasurer of this Colony, Unto whome the Persons above named, are then to give a Reciept for the first Mentioned Sum of two hundred pound, which Shall be a good Voucher and Discharge to him for that Sum.

And be it further Enacted by the Authority aforesaid, That in all other Respects, Relating to the application of the Said one hundred & Sixty one pound ten Shillings, the Persons above

Named, Shall be Subject & Liable to the Same Directions, Injunctions & Limitations, and Entituled to the Like Reward, as by this Act is provided for the Commissioners for the City of New York, the City of Albany, & the Town of Schonegtade.

PROVIDED allways and be it further Enacted by the Authority aforesaid, that the several services Intended to be done and performed by the Severall and Respective Commissioners herein before named Shall and may be done by them or the Major part of them anything in this Act to the contrary notwithstanding.

AND be it further provided and enacted by the Authority aforesaid that in case Any of the Severall and respective Commissioners appointed by this Act Shall happen to dye remove out of this province or refuse to act or do and put in Execution the Severall powers and authoritys by this act directed that then and in case of Such death removall or refusall It Shall and May be Lawfull to & for his Excellency the Governour or Comander in chief of this province for the time being to nominate and appoint from time to time Some other fitt person or persons (as to the Governour or Commander in Chief for the time being Shall Seem fitt and proper) to be a Commissioner or Commissioners in the place and Stead of such Commissioner or Commissioners dyeing removing or refusing as aforesaid Anything in this Act to the Contrary Notwithstanding.

THE TWENTIETH ASSEMBLY

Ninth Session

(Begun Oct. 17, 1735, 9 George II, William Cosby, Governor.)

[CHAPTER 627.]

[Chapter 627 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 613. Continued by chapter 641.]

An Act for the further Continuing an Act Entituled an Act to Let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein Mentioned and for Declaring Shrub Liable to the Same Duties as Distilled Liquors.

[Passed, November 8, 1735.]

WHEREAS an Act of General Assembly of this Colony, Passed in the Second Year of his Majesties Reign Entituled an Act to

Let to Farm the Excise of Strong Liquors retailed in this Colony for the time therein Mentioned, and for Declaring Shrub Liable to the same Duties as Distilled Liquors, has by Subsequent Acts been Continued to be of Force until the first Day of November in this present Year one thousand Seven hundred & Thirty five And it being Necessary the Same Should be further Continued in Order to Let the Said Excise to the best Advantage.

BE it Enacted by his Excellency the Governour Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the above Mentioned Act Entituled an Act to Let to Farm the Excise of Strong Liquors retailed in this Colony for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors Shall be and hereby is further Continued & Every Clause Article and thing therein Contained from the Said first Day of November Until the first Day of November which will be in the Year of Our Lord one thousand Seven hundred & Thirty Six Excepting only Such Part thereof as Shall by this Act be otherwise provided for And in as much as Some of the Comissioners Appointed in the Said Act to Let to Farm the Said Excise have Departed this Life & others have been Exchanged

BE it Enacted by the Authority aforesaid That the Persons herein after named shall be the Commissioners to Let to Farm the Said Excise in the Several Counties of this Colony That is to Say.

For the County of Suffolk David Corey Esq'r

For Queens County Richard Betts Esq'r And Mr Joseph Smith.

For Kings County Ryk Suydam Esq'r & Mr Peter Lefferts.

For Westchester County Mr Nathaniel Underhill & Mr Silvanus Palmer.

For Dutches County Jacobus Terbos & Francis Filkin Esq'rs
For Richmond County Mr Adam Mott & Joseph Beadle Esq'rs

And for Orange County Daniel Denton & Abraham Herring Esq'r

AND be it further Enacted by the Authority aforesaid, That the Several Persons above Named Shall be & hereby are Impowered and required to Let to Farm the Said Excise in the Several Counties for which They are Respectively Appointed by Publick Out Cry Auction or Vendue to the Highest Bidder within Twenty Dayes next after They Shall have Notice or Information that They are so Appointed as Aforesaid They first Fixing up

Advertizements of the time & Place when & Where the Said Excise is to be Let to Farm in the Same Manner as in & by the Act aforesaid is Ordered and Directed and in all Other Matters Relating thereto be Obligated to observe & Perform all other Directions required by the Said Act, to be Observed & Performed by the Commissioners thereby appointed.

AND be it further Enacted by the Authority aforesaid, That in Case of the Death or Refusal of any of the Said Commissioners to Execute the Powers & Authority's hereby given them. It Shall and may be Lawfull to & for any three of his Majestyes Justices of the Peace (whereof one to be of the Quorum) For Each respective County where Such Death or Refusal Shall happen, to Nominate & Appoint Such Other Person or Persons as They Shall think Fit to be Commissioner or Commissioners in the Stead & Place of the Person or Persons so Dying or Refusing as aforesaid.

AND whereas the Several Persons here under Naimed have Respectively offered to Farm the Excise from the first of November in this present year one thousand Seven hundred & Thirty five to the first of November which will be in the year one Thousand Seven hundred & Thirty Six for the Respective Places & at the Several Rates following That is to Say. Mr Thomas Lynch for the Excise of the Citty and County of New York the Sum of Five hundred Pounds, Mr John De Peyster and Mr John Waters for the Citty & County of Albany the Sum of one hundred & forty Pounds. And Jurian Tapper for Ulster County the Sum of Thirty Pounds And it being Conceived that the Fixing of the Said Excise at a Certainty is Better than putting the Said Cittys & Counties to the Charge & Trouble of Setting the Same at Publick Vendue.

BE it Enacted by the Authority aforesaid, That the before Naimed Persons Shall be and hereby are Respectively Declared Farmers of the Excise During the Year above Mentioned of & for the Cittyes and Counties following to Witt, The Said Thomas Lynch of and for the Citty & County of New York The Said John De Peyster & John Waters of and for the Citty & County of Albany. And the Said Jurian Tapper of and for the County of Ulster, and that They & their Assigns Shall Respectively be Vested with all & Singular the Powers and Authorities in the Several Places for which the Said Excise is hereby Let to Farm unto them, which by the Act herein first Mentioned is given & allowed to Farmers of the Excise in any other Counties of this

Colony. And the above Naimed Persons Shall be and hereby are Required & Obliged Imediately after the Publication of this Act, Severally to Enter into the following Recognizances to his Majesty with Sufficient Surety That is to Say. Thomas Lynch in the Penal Sum of one Thousand pounds Currant Money of this Colony, John De Peyster & John Waters in the Penal Sum of Two hundred & Eighty Pounds of like Money, and Jurian Tapper in the Sum of Sixty pounds Like Money, Conditioned that Each of the Said Farmers Shall well & Truely Pay to the Treasurer of this Colony, the Sums They have Severally Farmed the Said Excise at the Dayes & Times following That is to Say, Thomas Lynch on the first Day of May next Ensueing the Sum of Two hundred & fifty Pounds and on the first Day of November following the Like Sum of Two hundred & fifty Pounds The Said John De Peyster & John Waters on the first Day of May Next Ensueing the Sum of Seventy Pounds and on the first Day of November following the Like Sum of Seventy Pounds and the Said Jurian Tapper on the first Day of May Next Ensueing the Sum of fifteen Pounds and on the first Day of November following the Like Sum of Fifteen Pounds all which Several Recognizances Shall be Delivered to & Lodged with the Treasurer of this Colony.

[CHAPTER 628.]

[Chapter 628 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 617. Continued by chapter 637.]

An Act for the further Continuance of an Act Entituled an Act for Setling and Regulating the Militia in this Province, and making the Same usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same as Likewise the Several Acts whereby the Same has been Revived and Continued.

[Passed, November 8. 1735.]

WHEREAS an Act Entituled an Act for Setling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same, Passed in the Tenth Year of his late Majesties Reign, being Expired by its own Limitation has by Several Subsequent Acts of the General Assembly, not only been

Revived and from time to time Continued, But Several other Clauses and Alterations been Added thereto and thereby Enacted to be of Force until the first Day of December next Ensuing, and for as much as it is highly Necessary to have the Militia of this Colony Under proper Regulations.

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act But likewise all the Several Acts for Reviving and Continuing the Same and every Clause Article Matter and thing Contained therein and in Every one of them Shall be and Remain in full Force and Virtue, from & after the Said first Day of December until the first Day of December which will be in the Year of our Lord one Thousand Seven hundred & Thirty Six

[CHAPTER 629.]

[Chapter 629 of Livingston & Smith and Van Schaack, where the title only is printed. See chapters 539 and 616. Expired December 1, 1742. Repealed and provided for by chapter 885.]

An Act to Continue the two Several Acts therein Mentioned Relating to the Publick High Roads in the Citty and County of Albany.

[Passed, November 8, 1735.]

WHEREAS an Act of the General Assembly of this Colony Entituled an Act for the better Clearing Regulating and further Laying out Publick High Roads in the Citty and County of Albany Passed in the third year of his Majesties Reign will Expire by its own Limitation the Last Day of December in this Present year one Thousand Seven hundred and Thirty five, And it being Necessary to Continue the Same for a Longer time.

BE it Enacted by his Excellency the Governour Council & the General Assembly and it is hereby Enacted by the Authority of the Same that the above Mentioned Act Entituled an Act for the better Clearing Regulating & further Laying out Publick High Roads in the Citty & County of Albany, as Likewise an other Act of the General Assembly Entituled an Act for the more Equal repairing of the Road from Towerjoene to Kagne-wage Creek in the County of Albany Passed in the Eighth year of his Majesties Reign Shall be and hereby are Enacted to Continue and Remain of Force and every Clause Article & thing contained in them or Either of them Until the time herein after

Limited and Whereas the Persons Inhabiting on the East Side of Hudsons River to the Northward of Albany are not Obliged by the said Act to work upon any High way BE it therefore Enacted by the Authority aforesaid, That those Inhabitants who Live on the East Side of Hudsons River to the Northward of Albany between a Creek Commonly known by the Name of Wynants Kill & northward as far as the North Side of Steen Rabie Shall be Obliged to repair and work upon the Road on the west side of the Said River in the Mannor of Renselaer Wyck to the Northward of the Citty of Albany, and upon Their refusal They Shall be Liable to the Same Fines as in the above Mentioned Act is Enacted and provided.

And be it Enacted by the Authority Aforesaid That this Act Shall be in Force from the Said last day of December next Ensueing Until the first day of December which will be in the year of our Lord Christ one Thousand Seven hundred and forty two.

[CHAPTER 630.]

[Chapter 630 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 592. Expired November 1, 1737. Provided for by chapter 764.]

An Act to Continue an Act entituled an Act to Discharge the Several Demands on the trading house at Oswego, to Support his Majesties Troops posted there; to regulate the Indian Trade, to prevent abuses in the Same, and for other Purposes therein Mentioned.

[Passed, November 8, 1735.]

WHEREAS an Act Entituled an Act to discharge the Several demands on the Trading House at Oswego, to Support his Majesties troops posted there, to regulate the Indian Trade, to prevent Abuses in the Same and for other purposes therein Mentioned. Passed in the Sixth year of his Majesties Reign will by its own Limitation expire on the first day of November in this Present year one thousand Seven hundred and thirty five, And it being highly Necessary that not only the Troops posted at Oswego Should Still be well provided & Supplied with provisions and other Necessaries but likewise that the Trade there Should be preserved under such further regulations as may best prevent any abuses therein.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same that the Said Act Shall be and hereby is Enacted to be and Continue in force from the first day of November in this present year one thousand Seven hundred & thirty five until the time herein after Limited. And whereas by the Said Act Captain John DePeyster Captain John Schuyler & Captain John Jurie Cast were obliged to Victual the Troops Posted or to be Posted at Oswego & to furnish and perform at their own Proper Costs Several other matters & Services, And it appearing to the General Assembly that Provision has already been made & Provided by the Said Captain De Peyster and the Said Captain Schuyler at their own proper Cost and that They are Willing to furnish & Perform all the other matters & Services mentioned in the Said Act.

BE it declared & Enacted by the Authority aforesaid, that the Said John De Peyster & the Said John Schuyler Shall during the Continuance of this Act, be the Sole Victualers of the Said Troops, and that upon their Performing all & Singular the other matters & Services mentioned in the aforesaid Act, They Shall be Entituled to the Same Reward & allowance as is Mentioned for that Service in the Said Act, Payable in the Same manner as therein is Directed. And whereas it has also been Represented to the General Assembly that Some of our People trading to Oswego have Entred into a Contract with two Foreigners Subjects to the French King to Assist them in their Said trade And as a Practice of that Kind may of the one hand prove of Ill Consequence as it will of the other hand deprive our own Traders of the Benefit they Reap by the Said Trade.

BE it Enacted by the Authority aforesaid, That from & after the publication of this Act & during the Continuance thereof, no Person or Persons whatever Shall be allowed or permitted to Trade at Oswego From the County of Albany or any other Part of this Colony But Such as are his Majesties Leige Subjects, And if any of the Said Subjects Trading to Oswego do Employ any Foreigner or Foreigners Subjects to the French King during the Continuance of this Act, under the Colour of Brokers or Interpreters or any other pretence whatever. Every Trader So Employing Such Foreigner or Foreigners Shall forfeit to his Majesty for every one He so Employes the Sum of one hundred Pounds Currant Mony of this Colony to be recovered by Plaint

Bill or Information in any Court of Record within this Colony, wherein no Esoine Protection or Wager of Law or any more than one Imparlance Shall be allowed one half of which Forfeiture Shall be for the Benefit of the Trading House at Oswego & the Other half to the Person that Shall Inform and Sue for the Same to Effect. And if any Such Foreigner Shall during the time aforesaid, Presume to Carry any Manner of Goods wares or Merchandizes for Sale on his or their own Account to Oswego from the County of Albany or any other part of this Colony all the Said Goods Wares & Merchandizes which Shall be so Carried for Sale Shall be Forfeited to his Majesty his Heirs & Successors & be Recovered & applyed in the Manner above Mentioned, Provided that our own Traders being his Majesties Leige Subjects, Shall be at Liberty to Imploy their own Negroes and other Slaves in and about Carrying on their Trade to Oswego without Incurring the Penalty aforesaid, any thing herein to the Contrary thereof notwithstanding.

And whereas it has been Represented to the General Assembly that Notwithstanding the Care taken in the before mentioned Act, to Prevent the Carrying to or Selling at Oswego any Rum but what Shall be Really good & Merchantable; Some of the Persons who have been thither to Trade this Summer have presumed to adulterate the Same by mixing Water with it, for preventing of which pernicious Practice for the future, BE it Enacted by the Authority aforesaid, That from & after the Publication of this Act, and during the Continuance of the Same, It Shall be Lawfull for the Commissary Residing or to Reside at Oswego, & in his absence for the Commanding Officer there, & the Said Commissary or Commanding officer are hereby Required, to Examine Taste & Prove once Every week or oftener all the Rum that is or Shall be brought to Oswego, and if upon Such Examination or Examinations any Rum Shall be found that is not Really good & Merchantable, The Said Commissary or Officer is hereby Required to Seize the Same, And thereupon Immediately take to his Assistance Two or more Credible Traders to Taste & prove the Rum so Seized, and if They find the Same to be Adulterated or unmerchantable, They are to Certify it under their hands; and thereupon Such Rum being so Certified Shall be and hereby is declared Forfeited, and the Said Commissary or Commanding Officer is hereby further Required Immediately & in the Presence of the Traders and Indians which Shall then be

Present, To pour out upon the ground or into the River or Lake all & Every drop of Such Forfeited Rum whether the Same be in Caggs or any other Vessells.

And to the End that no Unmerchantable Rum be Clandestinely or otherwise Sold to the Indians at Oswego. BE it Enacted by the Authority aforesaid, That if any Indian or Indians Should during the Continuance of this Act, complain to the Said Commissary or in his absence to the Said Commanding officer, That any of our Traders have Sold or delivered to Such Indian or Indians any Rum that has been Adulterated or is Unmerchantable, the Said Commissary or the Said Commanding Officer Shall be & hereby is Impowered & Required Immediately to Taste prove & Examine the Rum so Complained of as Likewise all other Rum Sold to the Indians & Suspected to have been adulterated; and finding the Same to be Unmerchantable, The Said Commissary or Commanding officer is Immediately to Seize the Same; & to proceed thereon in the Same Manner as is above directed, and being Certified by the Said Traders that the Rum so Sold or found is Unmerchantable, the Same Shall Immediately be Poured out & destroyed in the Manner as in & by the Said Clause is ordered & directed, And the Trader or Traders who have Sold or delivered Such Rum Shall not only be, & hereby are obliged to deliver unto the Indian or Indians, He or They Sold or delivered Such adulterated or Unmerchantable Rum to a Like quantity of good and Merchantable Rum in Liew thereof, but Likewise be Subject & Liable for Such Imposition to the Fine & Forfeiture herein after Mentioned, And to prevent the Eluding of the foregoing Clauses the General Assembly pray it may be Enacted, and be it Enacted by the Authority Aforesaid, That the Said Commanding Officer Shall from time to time permit the Said Commissary to Examine Taste & prove all the Rum that is or Shall be in the Trading House at Oswego, & upon Such Examination all the Rum which Shall be found in the Same not to be really good & Merchantable Shall Likewise be & hereby is declared to be Forfeited; & Such Rum is to be destroyed & Proceeded against in the Same Manner as in the Said last Clause is directed.

And for the greater Discouragement to Adulterate Rum Carried to or Sold at Oswego. BE it further Enacted by the Authority aforesaid, That the Person or Persons in whose Possession Such Adulterated or Unmerchantable Rum as aforesaid Shall

be found, Shall Forfeit to his Majesty his Heirs & Successors not only the full Sum of what Such quantity of Merchantable Rum Shall then be Sold at or Valued at Oswego, But likewise to the further Sum of Thirty Pounds Currant Mony of this Colony, to be recovered & applyed in the Manner before Mentioned. AND be it further Enacted by the Same Authority that this Act Shall be & remain in Force from the Said first day of November in this present year one Thousand Seven hundred & thirty five Until the first day of November which will be in the Year one Thousand Seven hundred and Thirty Seven.

[CHAPTER 631.]

[Chapter 631 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 280 and 447. Expired December 31, 1739.]

An Act to Revive Enforce and Continue
the Currancy of the Bills of Credit therein
Mentioned Until the End of the Year One
thousand Seven hundred and thirty Nine.

[Passed, November 8, 1735.]

WHEREAS by Virtue of an Act of the General Assembly Entituled an Act for the Paying and Discharging the Several Debts & Sums of Mony Claimed as Debts of this Colony to the Several Persons there in Named, & to make and Enforce the Currancy of Bills of Credit to the Value of Twenty Seven Thousand Six hundred & Eighty pounds for that Purpose, also to make Void all Claims & Demands made or pretended to be Due from this Colony, before the first day of June one thousand & Seven hundred and fourteen; and to prevent this Colony from being in Debt for the future, Passed in the Thirteenth Year of the Reign of her Late Majesty Queen Ann There were Struck & Issued Bills of Credit to the Value of the above mentioned Sum of Twenty Seven thousand Six hundred and Eighty pounds, and Enacted to be Currant in all Payments for the Term of Twenty one years.

And whereas by the Same Act there was appropriated & applied to and for the Gradual Sinking and Canceling of the Bills of Credit therein Mentioned, a Duty of Excise on all Strong Liquors Retailed in this Colony from the first day of November one thousand Seven hundred & fourteen Until the first Day of November one thousand Seven hundred & Thirty four, by Virtue of an Act of the General Assembly Entituled

an Act for Laying an Excise on all Strong Liquors retailed in this Colony, Passed in the Twelfth year of her Said late Majesties Reign as Severally in & by the Said two Acts, Reference being had thereto, may more fully and at Large appear.

'And whereas by the Length of time during which the before Mentioned bills of Credit were Enacted to Remain Currant many of them, as well as Some other of the bills of Credit Struck & Issued by Virtue of Acts passed afterwards on the Several Fonds therein Respectively mentioned, were so Shattered Torne & defaced that the Real Value for which they were Struck, Could Scarcely be known or Distinguished, whereby frequent disputes arose among the good Inhabitants of this Colony, for Remedy whereof there were at three Several times, Struck & Lodged in the Treasury, new Bills of Credit to the Value of Nine Thousand Pounds (to be Exchanged for Such Shattered Torne & Defaced Bills as aforesaid) by Virtue of the three Acts of Assembly here under Mentioned: to Wit one Act Intituled an Act for making Bills of Credit & putting the Same into the Treasurers hands for Exchanging therewith Such bills of Credit of this Province as are Torne & Defaced, passed in the tenth year of his Late Majesties Reign: one other Act Entituled an Act for Striking Bills of Credit to the Value of three thousand pounds, and putting them into the Treasury to be Exchanged for Shattered Torne & Defaced Bills Struck and Issued by Virtue of the Several Acts therein Mentioned, Passed in the Thirteenth year of his Said Majesties Reign. And one other Act Entituled an Act for Striking Bills of Credit to the Value of three Thousand pounds, and putting the Same into the Treasury to be Exchanged for Shattered & Torne Bills Struck & Issued by Virtue of Several former Acts passed in the fourth year of his present Majesties Reign. In Every one of which Said three Acts it was Enacted That in the Cyphering or Flourishing part of all the Said New bills, a Blank Should be left in the Form of an Oval, and that in all those which the Treasurer Should Exchange for Bills of Credit Issued by the Act herein first Mentioned, He was in the Said Oval first to Set down in Figures the year one thousand Seven hundred & fourteen, and that in those He exchanged for Bills Issued by Virtue of the Act herein next Mentioned, He was in Such Oval first to Set down in Figures the year one Thousand Seven hundred & Seventeen. To the End Such of the New Bills Exchanged in Lieu of them might Grad-

ually be Canceled & Destroyed in the Same Course and Order as the Original Bills would have been If they had not been Exchanged; as in & by the three Last Mentioned Acts (reference being had thereto) may more fully and at Large appear.

And whereas by Virtue of one other Act of the General Assembly Entituled an Act for Paying & Discharging Several Debts due from this Colony to the Persons therein Named and for Raising and Putting into the hands of the Treasurer of this Colony Several Quantities of Plate to be applyed to the Publick and Necessary Uses of this Colony; and to make Bills of Credit to the Value of Forty one thousand five hundred & Seventeen Ounces and a half of Plate for that Purpose passed in the fourth year of his Said Late Majesties Reign, there were Struck & Issued Bills of Credit to the Said Value of Forty one Thousand five hundred & Seventeen Ounces & a half of the Spanish Coines of Sival Pillar or Mexico Plate, and Enacted to be Currant in all Payments until the End of the year one thousand Seven hundred & Thirty nine.

And whereas by the Same Act there was appropriated and applyed to & for the Gradual Sinking & Canceling of the Bills of Credit therein Mentioned, The herein before Mentioned Duty of Excise from the first day of November in the Year one thousand Seven hundred & thirty four, To the first day of November in the year one thousand Seven hundred & thirty Nine; as Likewise an additional Duty on Wine and Rum for the Term of Seventeen years to Commence from the Publication of the Said Act, as in and by the Same, Reference being had thereto, may more fully & at Large appear.

And as the aforesaid additional Duty did cease and Determine on the twenty third day of December in the year one thousand Seven hundred & thirty four, There remains only the aforementioned Duty of Excise from & to the time in the next foregoing Clause Mentioned, to Sink & Cancel the Bills of Credit Struck & Issued by Virtue of the Last Mentioned Act.

And whereas the before mentioned Duty of Excise has fallen Short of what was computed at the time of Passing the herein first Mentioned Act, the Same would have Amounted to, It has been Impracticable to Sink & Cancel all the Bills of Credit Issued by Virtue thereof by the time therein Limited which was until the twenty fourth day of July in this present year one thousand Seven hundred and thirty five.

And altho the Currancy of the Said Bills of Credit did Cease at the time above Mentioned, yet all those that Remain of them Uncanceled have ever Since Passed as Currant in all Payments as They did at their first Emission. But in as much as Disputes on that head might Occasion not only Contentions among the good People of this Colony, but in Some measure affect the Credit & Reputation which all our Paper Currancy has hitherto Entirely preserved.

BE it therefore Enacted by his Excellency the Governour the Council and the General Assembly, & it is hereby Enacted by the Authority of the Same, That not only all the Uncancelled Bills of Credit Struck & Issued by Virtue of the Act herein first Mentioned passed in the year one thousand Seven hundred & Fourteen, but also all Such of the before Mentioned New Bills, Exchanged in Lieu thereof, as Remain uncanceled, Shall be and hereby are Revived & Enforced & Enacted to Remain Currant in all Payments and in the Treasury from the Publication of this Act, until the End of the year one thousand Seven hundred & Thirty nine, as fully & Effectually to all Intents Constructions & Purposes whatever, as if the Currancy of the Said Bills of Credit had Originally been Enacted to Continue Until the time Last Mentioned. And all Persons Refusing to accept the Same in Payment, or presuming to Counterfeit or alter them, So as to appear of a greater Value then they were first Issued for During the time aforesaid, Shall Incurr the Same Paines & Penalties as in Such Cases is provided & Enacted by the Several Acts by Virtue of which the Same have been Struck and Issued.

And altho' the Fond applyed to Sink the Bills of Credit Issued in the Year one thousand Seven hundred & fourteen have not proved Sufficient to Cancil all of them, and that it is apprehended the Fonds applyed to Cancil the Bills of Credit Emitted in the year one Thousand Seven hundred & Seventeen, will Likewise prove Insufficient to Sink all those Bills by the time herein before Mentioned yet in as much as the Deficiencies which may happen in both can more Exactly be known at the End of the Year one thousand Seven hundred and Thirty Nine, Than at Present, and that it will be more proper & Effectual to Provide a Supply for making up Such Deficiencies at once then to do it in part, Especialy Since the Use for which the before Mentioned Bills of Credit were Struck & Issued and the Remaining Fond to Sink them is of the Same Nature.

BE it therefore Enacted by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That at the End of the before Mentioned year one thousand Seven hundred & thirty Nine, or as soon as it can Exactly be known what Deficiencies have happened, or may happen in the aforesaid Fonds applyed for the Sinking of the Said Bills of Credit Issued in the two years Last Mentioned, The General Assembly will provide ways and means to Supply & make good the Deficiencies aforesaid in Such manner as will be Sufficient for the Entire and Effectual Sinking Canceling & Destroying not only all Such of the Bills of Credit Emittted in the year one thousand Seven hundred & Fourteen and one Thousand Seven hundred and Seventeen, but Likewise those Exchanged in Lieu thereof for the Reasons before Mentioned, as by the Deficiencies aforesaid Shall then happen to Remain Uncanceled

And whereas in and by and Act of the General Assembly Entitled an Act for Raising & Levying the Sum of Six Thousand Six hundred & thirty pounds for the Supplying the Deficiencies of his Majesties Revenue, and for the Several Uses & Purposes therein Mentioned; and for making of Bills of Credit to be Issued for that Value, Passed in the tenth Year of his Late Majesties Reign, it was among other Things Enacted that the Treasurer of this Colony Should Exchange all Such of the Bills of Credit Issued by Virtue of the Said Act as Should be brought or Tendered to him for that Purpose before the first day of July in the Year Seventeen hundred & Twenty Nine & at no time thereafter, as in and by the Said Act Reference being had thereto, may more at Large appear. And it being Represented that Several Private Persons are Still Possessed of Some of the Said Bills. BE it Enacted by the Authority aforesaid, That the Said Treasurer Shall during the Continuance of this Act, be Obliged not only to Receive but Likewise to Exchange all Such of the Bills Issued by Virtue of the Act above Mentioned as Shall be brought or Tendered to him for that purpose, and the Same being so Received and Exchanged Shall be Sunk Cancelled & Destroyed in the presence of the Surviving Persons appointed for that purpose in the Said Act, notwithstanding the time therein Limited is Elapsed, any thing to the Contrary hereof in any wise Notwithstanding.

[CHAPTER 632.]

[Chapter 632 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 577. Expired December 1, 1742. Provided by chapter 753.]

An Act for the further Continuing an Act Entituled an Act for the better Clearing Regulating & further Laying out Publick High Roads in the County of Ulster

[Passed, November 8, 1735.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Sixth Year of His Present Majesties Reign Entituled an Act for Continuing an Act Entituled an Act for the better Clearing Regulating & further Laying out Publick High Roads in the County of Ulster, will Expire by its own Limitation the first day of December in this Present year one Thousand Seven hundred and Thirty five

BE it therefore Enacted by his Excellency the Governour Council and General Assembly and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act Shall be and is here by further Continued & Every Clause article and thing therein Contained to be in Force, from and after the Publication hereof Until ye first Day of December which will be in the Year One thousand Seven Hundred and Forty two and no Longer.

[CHAPTER 633.]

[Chapter 633 of Livingston & Smith and Van Schaack, where the title only is printed. Expired March 26, 1743, but repealed by chapter 644 in 1737.]

An Act to prevent Damages by Swine in the Precinct of Goshan & Some other parts Contiguous thereto in the County of Orange.

[Passed, November 8, 1735.]

WHEREAS Several of the Inhabitants within the Precinct of Goshen & Places Contiguous thereto, Have been & Still are Very Negligent and Remiss about their Swine in Suffering them to go at Large without any manner of Care or Restraint; So that they often git into the Neighbours Corn Fields Orchards Gardens & other Inclosures and there do Considerable hurt & Damage, to prevent which for the future

BE it Enacted by his Excellency the Governour Council & General Assembly, and it is hereby Enacted by the Authority of the Same. That from & after the Six & Twentieth of March which will be in the Year of Our Lord one Thousand Seven hundred & thirty Six, It Shall & may be Lawfull for all & Every the Inhabitants within the Bounds of the Precinct of Goshan & the Persons Inhabiting to the Westward thereof as far as to the foot of the Minisinck Mountains from time to time & all times hereafter during the Continuance of this Act, to Keep or Impound (in any Pound or Place with in the Said Precinct) all Swine Small or Great which Shall so go at Large on the Commons High Wayes or uninclosed Lands or git into their or Either of their Cornfields Orchards Gardens or Other Inclosures Contrary to the True Intent & Meaning of this Act. Until the Owner or Owners of Such Swine Shall Pay & Sattisfy to the Person or Persons who Shall so take Keep or Impound them the Sum of Six Shillings Currant Mony of this Colony for Every Such Swine so taken kept or Impounded besides the Damages Such Person or Persons Shall have Sustained by means or reason of Such Trespass or Trespases, which Damages Shall be ascertained by any Justice of the Peace within the Said Precinct taking to his Assistance two of the Neighbouring Freeholders under oath to appraise the Same.

AND be it further Enacted by the Authority aforesaid, That in Case the Owner or Owners of Such Swine so taken kept or Impounded as aforesaid Shall or will not within Twenty four hours after notice of Such taking keeping or Impounding redeem their Said Swine by Paying the Said Penalty Imposed by this Act. That then it Shall & may be Lawfull for the Person or Persons so taking keeping or Impounding Such Swine To expose them to open Sale to the highest bidder and out of the Mony ariseing by Such Sale To Retain in their own hands (So much as is allowed for the forfeitures & Damages) Mentioned in this Act, and the overplus if any be to the Overseers of the Said Precinct for the use of the poor within the Same Provided Nevertheless that no Person or Persons whatsoever not being a Free holder Inhabitant or the Servants of a Freeholder or Inhabitant Shall have any Power by this Act to take up or Impound any Swine as aforesaid This Act to Continue & be In force for Seven years from the Said Twenty Sixth Day of March one Thousand Seven hundred & thirty Six & no Longer:

[CHAPTER 634.]

[Chapter 634 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing William Corcilius Peter Corcilius Christian Stouber William Popelsdorf Jacobus Peter Suciter Matys Melsbagh Hendrick Christ Stephanus Christ Lawrence Christ Phillip Melsbagh Jacob Booch Staver Johaness Jong Bloet Jacob Sensenbagh Johaness Schnog Michael Christopher Row & Weit Timmer.

[Passed, November 8, 1735.]

WHEREAS William Corcilius Peter Corcilius Christain Stouber William Popelsdorff Jacobus Peter Snciter Matys Melsbagh Hendrick Christ Stephanes Christ Lawrence Christ Phillip Melsbagh Jacob Booch Staver Johaness Jong Bloet Jacob Sensenbagh Johaness Schnog Michael Christopher Row and Weit Timmer. Have by their Petitions presented to the General Assembly of the Colony of New York, Desired that They may be Naturalized & become his Majesties Leige Subjects within the Said Colony

BE it Enacted by his Excellency the Governour the Council & the General Assembly and it is hereby Enacted by the Authority of the Same that the above Named William Corcilius Peter Corcilius Christian Stouber William Popelsdorf Jacobus Peter Suciter Matys Melsbagh Hendrick Christ Stephanes Christ Lawrence Christ Phillip Melsbagh Jacob Booch Staver Johaness Jong Bloet Jacob Sensenbagh Johaness Schnog Michael Christopher Row & Weit Timmer Shall be & hereby are Declared to be Naturalized to all Intents Constructions & Purposes whatsoever, and from hence forth & at all times hereafter Shall be Entituled to have & Enjoy all the Rights Liberties Priviledges & advantages which his Majesties Natural born Subjects in the Said Colony have & Enjoy or ought to have and Enjoy as fully to all Intents & Purposes whatsoever as if the Said William Corcilius Peter Corcilius Christian Stouber William Popelsdorf Jacobus Peter Sniter Matys Melsbagh Hendrik Christ Stephanes Christ Lawrence Christ Phillip Melsbagh Jacob Booch Staver Johaness Jong Bloet Jacob Sensenbagh Johaness Schnog Michael Christopher Row and Weit Timmer had been born within his Majesties Said Colony of New York Provided Allwayes & it is hereby further

Enacted by the Same Authority That the Said William Corcilius, Peter Corcilius Christian Stouber William Popelsdorf Jacobus Peter Sniter Matys Melsbagh Hendrik Christ Stephanes Christ Lawrence Christ Phillip Melsbagh Jacob Booch Staver Johanes Jong Bloet Jacob Sensenbagh Johanes Schnog Michael Christopher Row and Weit Timmer Shall Severally take the Oaths appointed by Law instead of the Oaths of Allegiance & Supremacy Subscribe the Test & make repeat & Swear too & Subscribe the Abjuration Oath in any of his Majesties Courts of Record within this Colony, which Oath the Said Courts are hereby required upon application to them made to Administer take Subscriptions and Cause the Names of the Said Persons so Swearing and Subscribing to be Enterd upon Record in the Said Court and Each & Every of the Said Persons are hereby required to pay the Several Sums herein after Mentioned That is to Say to the Speaker of the General Assembly the Sum of Ten Shillings to the Judge of the Court the Sum of Six Shillings & to the Clerk of Such Court the Sum of Three Shillings.

AND be it further Enacted by the Authority Aforesaid That if any Person or Persons hereby Naturalized having So Sworn & Subscribed as aforesaid Shall demand a Certificate of his or their being Enterd upon Record in the manner herein before Directed the Court or Courts in which Such Oath & Subscriptions Shall be made are hereby directed & Required to grant Such Certificates under the hand of the Judge & Seal of the Said Court or Courts in which Such Oaths & Subscriptions as aforesaid Shall be made Counter Signed by the Clerk of the Said Court for which Certificate each of them Shall pay over & above the Sums before Mentioned the Sum of Six Shillings one half to the Judge of Such Court & the other half to the Clerk thereof which Certificate or Certificates Shall at all times be to the Person or Persons therein Named a Sufficient Proof of his or their Being Naturalized by Virtue of this Act in as full & Effectual a Manner as if the Record aforesaid was actually Produced by the Person or Persons So named in Such Certificates, Provided also & be it further Enacted by the Authority Aforesaid that Such of the Persons hereby Naturalized as Shall not take the Oaths Test & Abjuration in manner herein before Directed within Twelve Months after the Publication hereof Shall have no Manner of Benefit by this Act Any thing Therein Contained to the Contrary notwithstanding.

THE TWENTIETH ASSEMBLY

Tenth Session

(Begun Oct. 13, 1736, 10 George II, George Clarke, President.)

[CHAPTER 635.]

[Chapter 635 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 590. Expired December 1, 1744. Provided for chapter 767.]

An Act to Revive AN ACT, Entituled AN ACT for the speedy punishing and releasing such Persons from Imprisonment as shall Committ any Criminal Offences in the City of New York, under the Degree of Grand Larceny.

[Passed, November 10, 1736.]

WHEREAS An Act of General Assembly of this Colony, made in the Sixth Year of his present Majesty's Reign, Entituled An Act for the speedy punishing and releasing such Persons from Imprisonment as shall Committ any Criminal Offences in the City of New York, under the Degree of Grand Larceny, is Expired by it's own Limitation; Which Act by Experience hath been found to be not only a very Usefull and Beneficial Law for the speedy Correction and Punishing divers disorderly, pilfering and Vagrant Persons, passing through the same City of New York from the neighbouring Countys and Colonys, who have frequently Committed divers Misdemeanors, small Thefts, under the Degree of grand Larceny, and many disorders and Breaches of the Peace, but also an Ease to the Inhabitants of the said City, from the great Burthen and Expence they have been at, from time to time, for the Support and Maintenance of such Idle, wandering vagrant and Disorderly Persons, in Goal, to their great Grievance BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, That the before mentioned Act, Entituled AN ACT for the speedy punishing and releasing such Persons from Imprisonment as shall Committ any Criminal Offences in the City of New York, under the Degree of Grand Larceny; and Every Clause, Article and thing therein Contained be, and is hereby Revived; and is and shall be and Remain in full Force and Virtue from the Publication hereof, untill the first Day of December, which will be in the Year of our Lord One Thousand Seven hundred and forty four.

[CHAPTER 636.]

[Chapter 636 of Livingston & Smith and Van Schaack, where the title only is printed.]

[An Act for the Payment of Sixty Pounds
to Henry Barclay for the Service and out of
the Bills of Credit therein Mentioned.]

[Passed, November 10, 1736.]

WHEREAS it was Represented to the General Assembly in the Month of November in the Year one Thousand Seven hundred & Thirty four, that Mr. Henry Barclay having gone through his Study in Divinity, was then Among the Six Nations of Indians with a Resolution to make himself perfect Master of their Language, And that he did then Intend to go for Great Brittain to take Holy Orders, in hopes the Society for Propogating the Gosple in Foreign parts would Appoint him a Missionary Among the Said Indians And the Said Assembly conceiving He would then be very Instrumental to bring more of them Over to the Christian Religion, and at the Same time be very usefull to Confirm them in his Majesties Interest for the Benefit & Security of this Colony, Did thereupon Resolve that for defraying the Expence of the Said Mr. Barclay whilst he Lived among the Said Nations there, Should be allowed to him for the Term of two Years from the first day of December then next Ensuing, after the Rate of thirty Pounds a year If he remained So Long among them, for the purpose above Mentioned

AND whereas it has been now Represented to the Said Assembly That the before named Mr. Barclay has not only Resided among Some of the Said Nations from the time aforesaid, and acquired their Language But hath brought Several of them over to the Christian Faith, and Taught many of their Youth to Read and write, And he Intending Speedily to go to Great Britain for the purpose before Mentioned, it is conceived Just and Reasonable that what has been allowed to him by the Resolve aforesaid, Should be Payd and Discharged.

THE General Assembly pray it may be Enacted and BE IT ENACTED by his Honour the Lieutenant Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the Treasurer of this Colony Shall be and hereby is Impowered and Required to Pay unto the Said

Henry Barclay or his Assigns in full Discharge of the allowance before Mentioned the Sum of Sixty pounds, Out of the Unishued Bills of Credit Remaining in his hands by Virtue of an Act Entituled an Act to Strike and make Currant Bills of Credit to the Value of Twelve thousand Pounds on the Fonds and for the Uses therein Mentioned passed in the Eighth year of his Majesties Reign, any thing in the Said Act to the Contrary hereof notwithstanding, and a Receipt of the Said Mr. Barclay for the above Mentioned Sum, Shall be a Sufficient Voucher and Discharge to the Said Treasurer for So much out of the Bills of Credit So Remaining in his hands by Virtue of the Act aforesaid.

[CHAPTER 637.]

[Chapter 637 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 628. Continued by chapter 647.]

[An Act for the further Continuance of an Act Entituled an Act, for Settling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same, as Likewise the Several Acts whereby the Same has been Revived and Continued

[Passed, November 10, 1736.]

WHEREAS an Act Entituled an Act for Settling and Regulating the Militia in this Province and Makeing the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relateing to the Same Passed in the Tenth year of His Late Majestys Reign being Expired by its own Limitation, has by Several Subsequent Acts of the General Assembly not only been Revived and from time to time Continued, But Several Other Clauses and Alterations been added thereto, and thereby Enacted to be of Force Until the first day of December next Ensueing, and for as much as it is highly Necessary to have the Militia of this Colony under proper Regulations.

BE it Enacted by his Honour the Lieu't Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act but Likewise all the Several Acts for Reviving and Continuing the Same, and every Clause, Article Matter and thing Contained

therein, and in Every one of them Shall be and Remain in full Force and Virtue from and after the Said first day of, December until the first day of December which will be in the Year of Our Lord Christ one thousand Seaven Hundred and Thirty Seaven.

[CHAPTER 638.]

[Chapter 638 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 510. Repealed by chapter 712, and provided for therein.]

An Act to Revive An Act Entituled An Act for mending and Keeping in Repair the Post Road from New York to King's Bridge.

[Passed, November 10, 1736.]

WHEREAS An Act of General Assembly of this Colony, Entituled AN ACT for mending and Keeping in Repair the Post Road from New York to King's Bridge passed in the Twelfth year of Queen Anne, being Expired by it's own Limitation was by another Act passed in the Second Year of the Reign of his present Majesty, revived, and to be of Force until the first day of November, which was in the Year of our Lord One thousand Seven hundred and thirty Five, and no longer: AND the aforesaid Act having been found very Usefull and Beneficial for keeping the above mentioned Road in good Repair for the Publick Use and Conveniency of all his Majesty's Subjects and Travellers passing through the Same, BE IT ENACTED by his Honour the Lieutenant Governour; the Council and the General Assembly of this Colony; and it is hereby Enacted by the Authority of the Same, That the aforementioned Act, passed in the twelfth Year of the Reign of Queen Anne, Entituled AN ACT for mending and keeping in Repair the Post Road from New York to King's Bridge, shall and is hereby Revived, and Every Article, Clause and thing therein contained is and shall be and Remain in full Force, from the Publication hereof untill the first Day of December, which will be in Year of our Lord One thousand Seven hundred and Fourty foure.

[CHAPTER 639.]

[Chapter 639 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 546. Expired November 1, 1745. Provided for as to the manor of Livingston by chapter 924.]

An Act to Revive an Act Entituled an Act to prevent Swine Runing at Large in Dutchess County; and in the Mannor of Livingston, and in the Precinct of the Mannor of Renselaerwyck called Claverack in the County of Albany.

[Passed, November 10, 1736.]

WHEREAS an Act of the General Assembly of this Colony Entituled an Act, To prevent Swine Running at Large in Dutchess County and in the Mannor of Livingston, and in the Precinct of the Mannor of Renslaer Wyck called Claverack, In the County of Albany, Passed in the Second Year of his present Majestys Reign, Being Expired by its own Limitation, Was by Another Act Passed in the fourth Year of His present Majestys Reign Continued and to be of Force until the Tenth day of October Which was in the Year of our Lord One thousand Seaven hundred and thirty four.

AND the Said Act having by Experience been found very Beneficial, BE it Enacted by his Honour the L't Governour the Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That the before Mentioned Act Entituled an Act, to prevent Swine Runing at Large in Dutchess County, and in the Mannor of Livingston and in the precinct of the Mannor of Renslaer Wyck called Claverack in the County of Albany, Passed in the Second Year of his present Majestys Reign, Shall and hereby is Revived and to be and Remain of full Force to all Intents Constructions and Purposes, whatsoever, From the Publication hereof Until the first Day of November; Which will be in the Year of our Lord one Thousand Seaven Hundred and Forty five & no Longer.

[CHAPTER 640.]

[Chapter 640 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 615.]

An Act to Enforce part of an Act Entituled an Act For Raising Fifty pound in the Township of Schanegtade for making their old Church Defensible, and other Fortifications in the Said Town, and for amending Some Gullies at the End of Some of the Streets in the Same, And for Erecting a Bridge and Repairing of the Roads at the Places therein Mentioned.

[Passed, November 10, 1736.]

WHEREAS it has been Represented to the General Assembly, That notwithstanding the Mony Enacted to be Raised in the Township of Scanegtade by an Act Entituled an Act for Raising Fifty pound in the Township of Schanegtade, for making their old Church Defencible & Other Fortifications in the Said Town, passed in the Eighth year of his Majestys Reign, has not been Assessed or Levyed, by Reason the Said Act did not come to the hands of the Justices of the Peace by the time therein Limited, the old Church in the Said Town is nevertheless already made Defencible, according to the true Intent & meaning of the Act Aforesaid; But that the Materials and Workmanship thereof remain unpaid which it is Computed will Exceed the Fifty pound above Mentioned, And it being Just and Reasonable that the Same Should be paid and Discharged.

BE it Enacted by His Honour the Lieutenant Governour, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That if the before Mentioned Sum or any part thereof has not already been Assessed & Levyed, The Justices of the Peace residing within the Said Township, or the Greater Number of them, Shall be and hereby are Vested with full Power & Authority, by Warrant or Warrants under their hands & Seals, to Order and Direct the Supervizor of the Said Township for the time being, to Raise Assess and Levy of and from all the Freeholders Inhabitants & Sojourners of the Said Township, over and Above their Annual Necessary & Contingent Charges, a Sum not Exceeding the Sum of Sixty pounds

in Such Manner & under Such Regulations Fines and Forfeitures as in & by the Said Act is Mentioned & Directed, and the Said Supervizor is hereby Enjoined & Required to Comply with Such Warrant or Warrants Accordingly, And to Cause the Mony therein Mentioned (Together with the Said Annual Charges) to be payd unto the Treasurer of the Said Township who is to Issue the Same to & for the Uses & purposes Mentioned in the Act aforesaid, and to & for no Other Use or purpose Whatever.

And whereas it has been further Represented to the Said Assembly, That by reason of the Streets of the Said Town of Schanegtade being Enclosed by Buildings & Fences, the Great Raines have made Such Large Gullies & Breaches at the End of Some of them, That it is already very Difficult for Horses Waggon's or Slayses to get up or Down the Same, and Soon will become worse if not timely prevented.

BE it therefore Enacted by the Authority aforesaid, That the Justices of the Peace Residing within the Limmits of the Said Township or the greater Number of them, Shall be and hereby are Vested with full Power & Authority to Order and Direct the Overseers of the high way's of the Said Town for the time being to Employ all Such Persons Living within the Said Town of Schanegtade, as Usually work on the High Ways, to Repair & Amend the Breaches or Gullies before Mentioned in Such Manner as to make them fit & Commodious for Horses Waggon's & Slayses to Pass & Repass, Either by Draines or Otherwise as the Said Justices from time to time Shall Order & Direct. And the Said Overseers are hereby Strictly Required to Comply with Such Directions accordingly, Either by Personal Labour of the People or by their Waggon's Slayses and Horses, on the Penalties & Forfeitures Mentioned in an Act Entituled an Act; for the better Clearing Regulating & further Laying out Publick High Roads in the City and County of Albany, Passed in the third Year of his Majesty's Reign, Which Penalties are from time to time to be Recovered in the Manner Mentioned in the Said Act, and applyed for & Towards amending the Gullies or Breaches aforesaid. Allway's Provided that Such of the Said Gullies is first to be Amended, as by the Said Justices Shall be Deemed of most Use & Benefit to the Said Town. And provided Likewise that none of the People thereof Shall be Compelled or Compellable to Work thereon more than Six day's in one year, Including their Labour on other parts of the Publick Roads in the Same

year. And whereas a Certain Creek in the County of Albany on the West Side of Hudsons River between Cockshagky & Peter Coeyman commonly Called Hanekrays Kill, through which the main Road from all the Lower part of the Said County does Run, is Represented to be So full of Water and the Stream So Rapid, when ever great Thaws or Rains happen, That Several Persons have often been in Imminent Danger to Loose their Lives in passing the Same, For prevention whereof. BE it Enacted by the Authority aforesaid, That the Overseers of the High ways to the Southward of the Said Creek as far as the Southermost Bounds of the County of Albany Extends on the West Side of Hudsons River, Shall be and hereby are Obligated and Required to Wara & Employ all Such Persons within their District as Usually do work on the high Roads, to make & Compleat before the first day of July next Ensueing a good and Sufficient Bridge over the Said Creek, at, or So Nigh the Place where the Said Road now passes through it, as the Said Creek or Banks of it will best admit, and to make the Same fit & Convenient for Passing & Repassing of Travelers Waggon Slaves and Other Carriages.

And whereas it has also been Represented that Disputes have frequently arisen, between the Inhabitants of KatsKill & the Neighbours Living in those Parts Concerning two Roads, one Leading directly from the North Bounds of Ulster County to the City of Albany, and the Other amongst the Mill of Salisbury and Company to the Said City, For prevention of which Disputes.

BE it Enacted by the Same Authority, That all the Inhabitants Living to the Westward of the Road which goes over KatsKill amongst the Aforesaid Mill & the Low Lands of Said Salisbury & others as far as the Bridge at Phillip Conines Shall be and hereby are Obligated and Required to Keep in good Repair the Said Road as it now Runs: and that in Consideration thereof They Shall not whilst the Act Last mentioned Remains of Force be Obligated to work on anye Roads to the Southward of the Bridge Last mentioned.

And whereas it has Likewise been Represented, That the Last Mentioned Road has lately been Removed by one Fredrik Dederik, to a Place So Steep Cragged Rocky & Hilly, That the Travellers & much Less Waggon & Slaves cannot without the utmost hazard pass or Repass the Same.

Be it therefore Enacted by the Authority aforesaid, That at

the End of three Months, after the Publication of this Act, it Shall and may be Lawfull to and for all Persons on Foot or on Horsback, and with their Waggon's Slaves & other Carriages to Pass through and amongst the Said Road where it went before it was So Removed as aforesaid. But it Shall nevertheless be Lawfull to and for the Said Dederik During the term of three years from the Publication hereof, To hang up & Keep in good repair Sufficient Swinging Gates where the Said Road goes through his Enclosed Land

AND be it further Enacted by the Same Authority that Such of the Overseers of the high Way herein Mentioned (Except for the Township of Schanegtade) as Shall refuse Neglect or Delay to do & perform, what by this Act is Enjoined to be done & performed by them Respectively Shall Forfeit the Sum of five pound, to be Recovered as in & by the herein Last Mentioned Act is provided, and Such Forfeiture Shall be for the Use of the Bridge or Road where Such Offence Shall be Comitted.

[CHAPTER 641.]

[Chapter 641 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 627. Continued by chapter 645.]

An Act for the further Continuing an Act Entituled an Act to Let to Farm the Excise of Strong Liquors Retailled in this Colony for the time therein Mentioned and for Declaring Shrub Liable to the Same Duties as Distilled Liquors.

[Passed, November 10, 1736.]

WHEREAS an Act of General Assembly of this Colony Passed in the Second Year of his Majestys Reign Entituled an Act, to Let to Farm the Excise of Strong Liquors Retailled in this Colony for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors, has by Subsequent Acts been Continued to be of Force until the first day of November in this Present Year One thousand Seven hundred & thirty Six, And it being Necessary the Same Should be further Continued in Order to Let the Said Excise to the best Advantage.

BE it Enacted by his Honour the Lieutenant Governor the Council & the General Assembly & it is hereby Enacted by the

Authority of the Same, That the above Mentioned Act Entituled an Act to Let to Farm the Excise of Strong Liquors Retailled in this Colony, for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors Shall be & hereby is further Continued and Every Clause Article & thing therein Contained from the Said first day of November, Until the first day of November which will be in the Year of our Lord One thousand Seaven hundred & Thirty Seaven Excepting only Such part thereof as Shall by this Act be Otherwise provided for.

BE IT ENACTED by the Authority aforesaid, That the Persons herein after Named Shall be the Commissioners to Let to Farm the Said Excise in the Several Citys and Counties of this Colony hereafter mentioned that is to Say

For the City & County of Albany the Mayor & Recorder of the Said City for the Time being

for the County of Suffolk David Corey Esq'r

for Queens County Richard Bets Esq'r and Mr. Joseph Smith

for Kings County Ryck Suydam Esq'r & Mr Peter Lefferts

for West Chester County Mr. Nathaniel Underhill & Mr. Silvanus Palmer

for Ulster County Jacob Ten Brook Esq'r & Mr. William Eltinge

for Dutchess County Jacobus Terbos & Frances filkin Esq'r

for Richmond County Adam Mott & Joseph Beadle Esq'r

And for Orange County Abraham Hearing & Daniel Denton Esq'r

AND be it further Enacted by the Authority Aforesaid, That the Several Persons above Named Shall be & hereby are Impowered & Required to Let to Farm the Said Excise in the Several Places for which They are Respectively appointed by Publick out Cry Auction or Vendue to the highest Bidder within Twenty dayes next after they Shall have Notice or Information that They are so Appointed as aforesaid They first Fixing up advertizements of the time and Place when & where the Said Excise is to be Let to Farm, in the Same Manner as in & by the Act aforesaid is Ordered and Directed, and in all other matters Relating thereto, be Obliged to Observe & perform all other Directions required by the Said Act to be observed & Performed by the Commissioners thereby appointed.

AND be it further Enacted by the Authority Aforesaid that in Case of the Death or Refusal of any of the Said Commissioners

to Execute the Powers and Authorities hereby Given them, It Shall & may be Lawfull to and for any three of his Majestys Justices of the Peace (whereof one to be of the Quorum) for Each Respective County where Such Death or Refusal Shall happen, to Nominate and appoint Such other Person or Persons as They Shall think fit, to be Commissioner or Commissioners in the Stead & Place of the Person or Persons so Dying or Refusing as aforesaid

AND whereas Thomas Linch of the City of New York Merchant hath offered to Farm the Said Excise for the City & County of New York, from the first of November in this Present Year one Thousand Seaven hundred & thirty Six to the first day of November which will be in the Year one thousand Seaven hundred and thirty Seaven, For the Sum of Five Hundred Pounds

And it being Conceived that the Fixing the Said Excise at a Certainty is Better then Putting the Said City to the Charge & Trouble of Letting the Same at Public Vandue.

Be it Enacted by the Authority aforesaid, that the above Named Thomas Linch Shall be & hereby is Declared Farmer of the Excise for the Said City and County During the Year above Mentioned, AND he the Said Thomas Linch & his Assigns Shall be & hereby is and are Vested with all & Singular the Powers & Authorities in the Said City & County, Which by the Act herein first Mentioned is Given & allowed to the Farmers of the Excise in any other Countys in this Colony, And the before Named Thomas Linch Shall be & hereby is Obliged & Required Immediately after the Publication of this Act, to Enter into Recognizance to his Majesty with Sufficient Sureties in the penal Sum of one Thousand pounds Currant mony of this Colony Conditioned, that He Shall well & Truely Pay to the Treasurer of this Colony the Sum of Two hundred & fifty pounds on or before the first day of May next Ensuing and the like Sum of Two hundred & Fifty pounds on or before the first day of November, which will be in the Year one Thousand Seaven hundred & thirty Seaven, Which Said Recognizance Shall be Delivered to & Lodged with the Treasurer of this Colony.

[CHAPTER 642.]

[Chapter 642 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Enable the Justices of the Peace in Orange County to Build a New Court House & Jail for the Said County

[Passed, November 10, 1736.]

WHEREAS the Antient Court House and Jail in the Town & County of Orange having been Built upwards of Thirty years, is now fallen so much to Decay, that is become absolutely Necessary as well for holding of Courts as Securing of Prisoners, to Build a New Court House & Jail of a Large demention at the Same Place on which the Old one Stands, Where the Judges Justices Jurors & Suiters can best be accomodated by Reason of the many Houses & Settlements Contiguous to it.

BE it Enacted by the L't Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, That for Building & Erecting a New Court House and Jail of a Larger Demention at the place above Mentioned, and to and for no other use or Purpose whatsoever, It shall and may be lawfull to & for the Justices of the Peace or the greater number of them, at the next general Sessions after the Publication of this Act, or at any other session of the Peace to be held for the Said County, to Raise Levy and Collect of From and upon all & every the ffreholders Inhabitants and Sojourners within the Said County of Orange, in one or two payments, a Sum not Exceeding the Sum of Three hundred Pounds one half whereof on or before the first day of May, which will be in the year of our Lord Christ one thousand Seaven hundred and Thirty Seaven, and the other half on or before the first day of May which will be in the year one Thousand Seven hundred & thirty Eight, By the Same Rules and Methods & under the Same Regulations and Restrictions, as are Enacted Ordered & Directed in and by an Act of general Assembly, Entituled an Act to authorize the Justices of the Peace, to Build & Repair Jails & Court Houses in the Several Counties in this Province; Passed in the Fifth year of his Late Majesty's Reign in as full and ample a Manner to all Intents Constructions and Purposes whatsoever, as if those Clauses in the Said Act (notwithstanding the Same is Expired by its own Limitation) had been particularly and at large Incerted in the Body of this Act

And to the End there may be no delay in Building Finishing & Compleating the Court House and Jail aforesaid which is conceived may better & Sooner be done & Managed under the Care and management of one or two Persons than many.

BE it further Enacted by the Authority aforesaid, that the Mony to be raised by Virtue of this Act, shall from time to time be paid by the Several and respective Collectors unto Such Person or Persons as by the Said Justices or the major part of them in the General Sessions aforesaid Shall be Nominated or appointed to receive the Same, shall by them be Employed for materials and workmanship to and for the use and purposes aforesaid, and no other use whatsoever, according to Such Orders & Directions as They shall from time to time receive for that purpose from the Justices of the Peace of the Said County or the greater part of them, They the Said Persons so appointed as aforesaid, first giving Sufficient Security at the General Sessions of the Said County, for their due and True dispositions of the Mony to be received by them by Virtue of this Act, and that They Shall and will at all times be accountable for the Same when thereunto required by the Said Justices or the Major part of them.

AND be it further Enacted by the Authority aforesaid, That it Shall & may be Lawfull to and for the Person or Persons so to be appointed as aforesaid, to retain in their hands out of the Mony to be received by them by Virtue of this Act, and for applying the Same in Materials and workmanship, to and for the use and Purposes aforesaid, and for Keeping and rendring accounts thereof, a Sum not Exceeding Seaven Pounds for every hundred Pounds to be received and Employed by them as aforesaid, and so in Proportion for a greater or Lesser Sum.

AND be it further Enacted by the Authority aforesaid, That it shall and May be Lawfull, to and for the Justices of the Peace aforesaid, or the Greater Number of them, To name and appoint a Comittee of the same Justices, For the Ordering and Directing the Said Person or Persons to be appointed as aforesaid, How and in what manner the Jail and Court House aforesaid Shall be made, and the Said Person or Persons so to be appointed Shall observe Such Directions accordingly, which said Comittee shall and may from time to time Examine and Audit, all the Several and respective accounts for Workmanship and Materials to be Employed for and towards the making the Court House and Jail

Before mentioned, and for all Such accounts as They Shall find Just and do allow of, as Such the Said Comittee or any five of them Shall Issue Their Warrant or Warrants for the Same under their hands and Seals directed to the Manager or Managers so to be appointed as aforesaid who is and are hereby required to Pay and discharge the Same in Course out of the money's to be received by him or them by Virtue of this Act, as he or They Shall from time to time receive the Same, and the Payment of all Such Warrants with proper receipts thereon from the Respective persons, to whome they Shall be made payable, Shall be good & Sufficient Vouchers to the Said Manager or Managers, for so much as in Such Warrants Shall be Mentioned and Expressed.

[CHAPTER 643.]

[Chapter 643 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 578. Expired December 1, 1744. Provided for by chapter 766.]

An Act to Revive an Act Entituled an Act, for the Speedy Punishing and Releasing Such Persons from Imprisonment as Shall Commit any Criminal offences under the Degree of Grand Larceny in the Several Counties therein Mentioned & to Include the City and County of Albany and the County of Suffolk therein.

[Passed, November 10, 1736.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Sixth year of his Present Majesties Reign. Entituled an Act for the Speedy Punishing and Releasing Such Persons from Imprisonment as Shall Commit any Criminal Offences under the Degree of Gand Larceny, in the Several Counties therein Mentioned, is Expired by its own Limitation, Which act by Experience hath been found to be not only a very Usefull & Beneficial Law for the Speedy Correction & Punishing divers Disorderly Pilfering & Vagrant Persons, Passing through the Several Counties from the neighbouring Collonies, Who have frequently Comitted divers Misdemeanors, Small Thefts (Under the Degree of Grand Larceny) and many Disorders and Breaches of the Peace but also an Ease to the Inhabitants of the Said Counties, from the Great Burthen and Expence They have been at from time to time for the Support & Maintenance of Such

Idle Wandering Vagrant and Disorderly Persons in Goal, to their great Grievance.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and the General Assembly of this Colony, and it is hereby Enacted by the Authority of the Same, that the before Mentioned Act Entituled an Act, for the Speedy Punishing & Releasing Such Persons from Imprisonment as Shall Commit any Criminal offences under the Degree of Grand Larceny in the Several Counties therein Mentioned, and Every Clause Article and thing therein Contained be and hereby is Revived and Shall be and Remain in full Force and Virtue during the time herein after Mentioned.

And whereas the City and County of Albany & the County of Suffolk have found by Experiancethat their not being Included in the before Mentioned Act has been very Inconvenient & Chargeable to them.

BE it therefore Enacted by the Authority aforesaid that from and after the Publication of this Act & during the Continuance thereof, the herein before Mentioned Act & Every Clause Matter and thing therein Contained Shall Extend to & Include the Said City & County of Albany & the County of Suffolk in as full & Ample a manner, to all Intents Constructions & Purposes whatever as if they had Expressly been Named & Mentioned in the Act aforesaid.

Allways provided And be it Enacted by the Authority aforesaid that any person or persons who Shall be convicted of the Offences mentioned in the Said Act or any of them Shall, and may be punished by ffine at the Discretion of the Said Justices And if the said Offender or Offenders Shall not within the Space of ffourty eight hours pay Such ffine then by Corporal Punishment at the Discretion of the Said Justices and the Said Justices Shall & may Likewise allow to Such Offender or Offenders the Space of four Days for the purpose Mentioned in the Said Act, Instead of the Forty Eight hours therein Mentioned, If they in their Discretion Shall Judge the Nature & Circumstances of the Offence to Meritt or Require the Same any thing in the Aforesaid Act to the Contrary hereof notwithstanding, and the fine above Mentioned Shall not Exceed the Sum of Forty Shillings & be applyed for the Use of the City or County where the Same Shall be Imposed.

AND be it further Enacted by the Same Authority, that this Act Shall Remain of Force from the Publication hereof, Until the first Day of December, which will be in the Year of our Lord one Thousand Seven hundred and Forty four.

[CHAPTER 644.]

[Chapter 644 of Livingston & Smith and Van Schaack, where the title only is printed. Modified by chapter 762. Expired December 1, 1745. Provided for by chapter 801.]

An Act for the better Clearing Regulating & further Laying out Publick High Roads in the County of West Chester.

[Passed, November 10, 1736.]

ALTHO all or most of the Publick High Ways are already laid out & Ascertained in the County of West Chester, it may Nevertheless be Necessary to lay out Some other High Roads in the Said County, for the Conveniency of Cariage and Travelers, and whereas the Several Acts for Laying out Roads in the Said County are Expired by their own Limitation.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, that from & After the Publication and during the Continuance of this Act, the Persons herein after Named Shall be and hereby are appointed Commissioners to Regulate the High Ways and to Lay out Such other Publick Roads as may Still be Necessary within the Said County of West Chester and they and Each of them are hereby fully Authorized & Impowered to put in Execution the Several Services Intended by this Act, in Such Towns Mannors & Places only for which they Shall be Respectively Named & appointed that is to Say.

For the Township of West Chester & the Mannor of Fordham Israel Honywell Esq'r William Legget & Joshua Hunt.

For the Township of East Chester John Ward Esq'r William Pinckney & Jasper Drake.

For New Rochell & Pelham Coll. Anthony Lispinard John Pell Esq'r & Oliver Besley Jun'r.

For the Township of Rye & White plains Samuel Purdy Caleb Hyat & Benjamin Brown Esq'rs

For Bedford & North Castle Mr Nathan Clark Joseph Seely & Cap't George Dennis.

For the Mannor of Philipsbarrough Adolph Phillipse Esq'r Frederik Phillipse & Frederik Van Cortland, and For the Mannor of Cortland Phillip Van Cortland Esq'r Phillip Ver Plank Esq'r & Hercules Lent

AND be it Enacted by the Authority aforesaid, That the Commissioners or the Major part of them in the Respective Places for which they are Named and appointed Commissioners are hereby Authorised & Impowered to Regulate the Roads already laid out, and Lay out Such Other Publick Roads in the Several Places for which they are appointed Commissioners, as to them or the Major part of them Shall Seem Necessary & Convenient and if need be to take a Review of the Roads already laid out & Such of them as appear to be Really Inconvenient, the Said Commissioners Shall & may alter the Same (Provided all the Commissioners appointed for the Place, Judge it absolutely Necessary) And to lay out Such other Publick ways & Roads, as they or the Major part of them Shall think most Convenient as well for Travellers as for the Inhabitants of the Next Adjacent Towns Villages or Neighbourhoods.

Provided that Nothing in this Act contained Shall extend or be Construed to Impower the Commissioners aforesaid to alter any Road that is already Commodious or to lay the Same through Inclosed or Improved Lands without Either the Consent of the Owners thereof, or Paying to them the true Value of the Lands So layd into an High Way, & if any Dispute Shall arise by that means the Same Shall be Determined, and the True Value Set & appraised by two Justices of the Peace & by the Oaths of Twelve of the Principal Freeholders of the Neighbourhood, not having any Interest in the Land about which Such Dispute may arise, the Said Freeholders to be Summond by the High Sheriff by Virtue of a Warrant to be Issued by the Said two Justices for that Purpose.

AND be it further Enacted by the Same Authority, that if any Person or Persons within the Said County do or hereafter Shall without the Consent of the Commissioners or the major part of them for the Town Mannor or Place for which they are by this Act appointed Commissioners, Alter Stop up or Lessen any high way or Road that has heretofore been layd out by former Commissioners, or any Road that has been used for above thirty Years tho not laid out by the Commissioners, Or any Road that Shall hereafter be Laid out by the Commissioners, Named in this

Act, Such Person so offending Contrary to the meaning of this Act, Shall for Every Such offence forfeit the Sum of Five pound to be Recovered before any Justice of the Peace upon the Oath of any one Witness & Levyed by Warrant from any Justice of the Peace directed to the Constable of the Town Mannor or Precinct where Such offence is Committed by Distraining the Goods & Chattels of the Offender & the Said Constable after Six days Publick notice is given by him of the Said distress Shall make Sale thereof & out of the produce Pay the Said Forfeiture & Charges & return the overplus (if any therebe) to the owner or owners, which Said forfeiture of five pounds Shall be applyed by the Surveyers of the High ways for & Towards Repairing the Publick Roads or Bridges within the Precinct where Such forfeiture Shall arise.

AND be it further Enacted by the Authority aforesaid, That if any common Publick Road or High Way Shall be Layd through any Meadow ground or Cornfields the Breadth of the Said Roads Shall be left to the Discretion of the Commissioners or the Major part of them for the Towns Mannors or Places where Such Roads Shall run as aforesaid.

AND be it further Enacted by the Said Authority that the Inhabitants of the Respective Towns Mannors or Precincts by & through which any Common Publick High Ways or Roads have or Shall run or be hereafter Ascertained or Layd out Shall be & hereby are Obliged to Clear & Maintain the Same, by Cutting & Stubbing up the Brush & Lopping of the Limbs of the Trees that hang over the Said Roads the Breadth of two Rods & pulling up the Stones that can be Moved, and to Carry them out of the Road at least the Breadth of one Rod, & So Often as they or any of them Shall have notice from any one of the Respective Commissioners or Overseers of the High Ways for the time being, They Shall in their Turns Either by themselves or by Slaves or Servants Clear Levell & Amend the High Ways not Exceeding Six days in the Year, Under the Penalty of three Shillings for Each Day Every Person or Persons Shall Neglect or Refuse Such Service to be Levyed by the Constable in Each Town Mannor or Precinct by Distress & Sale of the Offenders goods & Chattels by Warrant from the Overseer of the High Ways for the time being in Each Respective Town Mannor or Precinct where Such offence Shall be Committed Returning the Overplus of Such Sale (if any be) To the owner or owners the Constable being

first paid for his pains & Trouble out of the Distress & Sale as is usual in other Cases Provided allways and it is hereby further Enacted by the Authority aforesaid That all Trees Standing or Lyeing in any Persons Land, through which any Common Publick High Way or Road is or Shall be Layd out, be for the proper use of the owner or owners of the Same, But the Said Owners Shall not Hinder the Publick from making use of So much Timber which is Standing or Lying on that Road as will amend the Said High Way or Bridges Leading through that Land.

AND be it also Enacted by the Same Authority that where any High Way from any Town or Neighbourhood to any Mills meadows Watering or Common Landing places Shall run through any Particular Persons ground, it Shall & may be Lawfull for any Such Person or Persons by & with the approbation of any two Commissioners for Such Town Mannor or Place, to hang good Swinging Gates on Such High Ways and Keep them in Repair at their own Costs.

Provided no Road Leading into or out of any woods Plains or Commons where the Cattle belonging to any Town or Village Usually pass through to or from the Common or feeding grounds be cloged or Hindered by any Swinging Gates as Aforesaid unless by the Consent of the Major part of the Inhabitants of Such Town or Village, & the Several Gates already Standing & allowed may or Shall be approved & Continued or Altered as the Commissioners herein Respectively appointed Shall Judge most convenient and the Same High Ways Shall be amended & maintained by the Inhabitants only of Every Town Mannor or Precinct where Such way may Run.

AND be it further Enacted by the Same Authority that in case any Person or Persons Shall Stake or Shore open any Such gate or gates as Aforesaid or otherwise Ride over or through any Lands Meadows Ground or Cornfields to the Damage of the Owners thereof, Such Person or Persons Shall for Every Such offence forfeit the Sum of Six Shillings, to be Recovered & applyed by the Overseers of the High Ways in Each Respective Town Mannor or Precinct where Such Offence Shall be Committed towards Repairing the Publick High Ways or Roads, and Pay all Such Damages with the Costs, the owner of the Soil or Tenant Shall Suffer or Sustain thereby as Shall be ordered & awarded by a Justice of the Peace Residing near to the Place where Such offence Shall be Committed and the Determination of Such Justice Shall be finall and conclusive therein.

AND be it further Enacted by the Authority aforesaid That if the overseers of the High Ways & Roads Shall think fit & have Ocasion of any Team Cart or Waggon & a Man to Manage the Same, The Said Team Cart or Waggon Shall be Esteemed to be for and in Liew & Instead of three Days work of one man, and the fine to be Proportionable that is Treble to the fine to be Imposed for the Neglect of one Person & every working man Shall be Obliged to bring Such Tools as Spades, Axes, Crows, Pick Axes or Other Utensils as Shall be Directed by the Overseers of the High Ways.

AND be it further Enacted by the Said Authority, that if any of the Commissioners herein Appointed, Shall Neglect Refuse or Delay to put the Several Clauses in Execution which are Mentioned & Expressed as their Duty in this Act if thereunto Required, or Shall happen to Die or Remove out of the Town Mannor or Places for which he or they are appointed Commissioners, It Shall and may then be Lawfull for the Justices of the Peace in the Sessions to be held for the Said County, to appoint in his or their Stead another Commissioner or Commissioners in Such place or Places where Such Refusal Neglect Death or Removall Shall So happen, which Commissioner or Commissioners So appointed Shall be under the Same Restrictions & have the Same Powers and Authorities as those named & appointed by this Act.

AND be it further Enacted by the Authority aforesaid that the Commissioners of Each Respective Town Mannor Place or Places for which they are Respectively appointed, Shall from time to time During the Continuance of this Act Enter in Writting all the High Ways or Roads by them layd out Altered or Stopt up & Sign the Same by Putting their Names thereto & Cause the Same to be Entered in the County Records by the Clerk of the Peace who is hereby Directed & Required to Record the Same, & whatsoever the Said Commissioners Shall do According to the Powers given them in this Act being so Entered in the County Record Shall be Deemed Valid and Good to all Intents & purposes whatsoever.

AND be it further Enacted by the Same Authority that Each Commissioner appointed or to be appointed by Virtue of this Act Shall have take & Receive a Sum not Exceeding four Shillings Each day as a Reward for his or their Care and Trouble in Laying out & Regulating the High Ways in the Respective Towns Mannors & Places for which They are Severally appointed,

Which Said Reward or Wages Shall not be any Part of the County Charge, but Shall be Defrayed by Each Town Mannors Place or Places as they are Joyned in this Act, by the Same ways & in the Same Manner as the Wages are or Ought to be paid to Supervizors in the Said County by Virtue of an Act Entituled an Act, to Increase the Number of Supervizors in the County of West Chester, and that no Wages of Supervizors Shall be any part of the Said County Rate for the future Passed in the Ninth Year of his Late Majesties Reign

AND be it further Enacted by the Authority Aforesaid that upon the Ordering of any one or more of the Justices of the Peace or any one or more of the Commissioners within the Town Mannor or Places for which he or They are appointed as aforesaid, the Overseer of the Town Mannor Precinct Shall & do within Eight Days thereafter warn & Set at Work the Respective Inhabitants to mend & Repair the Kings Roads & Bridges which by Law & Custom, They are Obliged to Repair & if the Overseer Shall Neglect or Refuse to warn & Set at Work the Inhabitants as Aforesaid and See the Said Roads Bridges & High Ways amended & Repaired Such Overseer or Overseers Shall for Every Such Neglect or Refusal forfeit or Pay a fine of Forty Shillings to be Adjudged by & Recovered before any one Justice of the Peace of the Said County Upon the Oath of any one wittness or on the view of Such Justice or on the view of any one of the Commissioners within his or their District in the common & usual Method, which fine Shall be applyed towards repairing the Said High Ways or Roads in Such Town Mannor or Precinct wherein the fine did arise.

Provided allways & it is hereby further Enacted by the Authority Aforesaid that where the Inhabitants of a Small Neighbourhood or Plantation Should desire to have Publick Roads Laid out the Commissioners aforesaid Shall not be allowed to Lay out Such & So many Roads as the Said Inhabitants Should be Desirous to have, but only one Publick way leading From Such Neighbourhood to the nearest Publick or High Road from whence they can Travel or Transport Goods to other Towns or Landing Places and where it Shall be Necessary to Lay out a Road from one District (as they are in this Act Joyned) to another District, the Commissioners of both Towns Mannors or Places are to meet & Consult where Such Road can be Laid in the best & Streightest Manner, and to Lay out the Same Accordingly,

To the end Such Roads may not only Correspond with Each Other, But be layd out & Carryed on in the most convenient and Shortest Manner the nature of the Land will allow this Act to be of Force from the time of its Publication until the first Day of December, which will be in the Year one Thousand Seven Hundred and forty five.

THE TWENTIETH ASSEMBLY.

Eleventh Session.

(Begun, Apr. 5, 1737, 11 George II, George Clarke, Lieut. Governor.)

[No acts were passed at this session.]

THE TWENTY-FIRST ASSEMBLY.

First Session.

(Begun June 15, 1737, 11 George II, George Clarke, Lieut. Governor.)

[Chapter 645.]

[Chapter 645 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack give the date of the passage of this act December 16, 1737. The original in the office of the Secretary of State gives the date of passage as October 14, 1737. From the Minutes of the Assembly and of the Council for October 14, 1737, it appears that the act was signed on that date. (See Journals of Assembly, p. 718; Journals of Council, p. 687.) The Minutes of the Assembly and of the Council for December 16, 1737, also state that the same act was signed by the governor on that date. (See Journals of Assembly, p. 733; Journals of Council, p. 712.) See chapter 641. Expired November 1, 1738.]

An Act for the further Continuing an Act Intituled an Act, to Let to Farm the Excise of Strong Liquors Retailled in this Colony for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors.

[Passed, October 14, 1737.]

WHEREAS an Act of General Assembly of this Colony, Passed in the Second Year of his Majesties Reign Intituled an Act, to Let to Farm the Excise of Strong Liquors retailled in this Colony for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors, Has by Subsequent Acts been Continued to be of fforce until the first Day of November in this Present Year one thousand Seven Hundred & Thirty

Seven. AND it being Necessary the Same Should be further Continued in Order to Let the Said Excise to the best advantage

BE IT ENACTED by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, Intituled an Act, to Let to Farm the Excise of Strong Liquors Retailled in this Colony, for the time therein Mentioned & for Declaring Shrub Liable to the Same Duties as Distilled Liquors, Shall be and hereby is further Continued, & Every Clause Article and thing therein Contained from the Said first day of November Until the first day of November, Which will be in the Year of Our Lord one thousand Seven Hundred & Thirty Eight Excepting only Such Part thereof as Shall by this Act be otherwise Provided for.

BE it Enacted by the Authority Aforesaid that the Persons herein after Named, Shall be the Commissioners to Let to Farm the Said Excise in the Several Counties of this Colony hereafter Mentioned that is to Say

For the County of Dutchess Johannes Vancleck & Francis Filken Esq'rs.

For the County of Orange John Yarrington and Rem Remsen

For Queens County Richard Betts and Edward Willet Esq'r

For Kings County Ryck Suydam Esq'r and Peter Lefferts

For Richmond County Joseph Beadle and Gesen Adreanse Esq'rs

AND be it further Enacted by the Authority Aforesaid, that the Several Persons above Named Shall be & hereby are Impowered & Required, to Let to Farm the Said Excise, in the Several Places, for which They are Respectively Appointed, by Publick out Cry Auction or Vendue to the Highest Bidder, within Twenty Days next after They Shall have Notice or Information, that They are So Appointed as Aforesaid, They first Fixing up Advertisements of the Time Place when & where the Said Excise is to be Let to Farm, in the Same Manner as in & by the Act aforesaid is Ordered and Directed, and, in all other Matters Relating thereto, be obliged to observe & Perform, all other Directions Required by the Said Act, To be observed & Performed by the Commissioners thereby appointed.

AND be it further Enacted by the Same Authority that in Case of the Death or Refusal of any of the Said Commissioners to Execute the Powers and Authorities hereby given them, It

shall and may be Lawfull to and for any three of his Majesties Justices of the Peace (Whereof one to be of the Quorum) For Each Respective County, where Such Death or Refusall Shall Happen, To Nominate & Appoint Such other Person or Persons, as They shall think fit, to be Commissioner or Commissioners in the Stead and Place of the Person or Persons so Dying or Refusing as Aforesaid.

AND whereas the Several Persons here under Named have respectively, offered to Farm the Excise from the first Day of November in this present Year one thousand Seven Hundred & Thirty Seven, To the first of November, Which will be in the Year one Thousand Seven Hundred & Thirty Eight, for the Respective Places and at the Several Rates following that is to Say.

Mr Thomas Linch for the City & County of New York the Sum of Five Hundred & Five Pounds.

Mr Edward Stephenson Jasper Drake Nathaniel Underhill and Ebenezar Heveland for the County of West Chester the Sum of Fifty Pounds

Mr Jacob TenEyck for the City & County of Albany the Sum of one Hundred and Forty Pounds

Mr Jurian Tappen & Abraham Haasbrook for the County of Ulster the Sum of Thirty pounds Ten Shillings.

and Mr David Corey for the County of Suffolk, The Sum of Sixty pounds three Shillings.

AND it being conceived that the fixing of the Said Excise at a Certainty, is better than Putting the Said City's & Counties to the Charge and Trouble of Letting the Same at Publick Vendue.

BE it Enacted by the Authority Aforesaid that the before Named Persons Shall be & hereby are Respectively Declared Farmers of the Excise During the Year above Mentioned, of & for the Citys & Counties following to wit,

The Said Thomas Linch of & for the City & County of New York

The Said Edward Stephenson Jasper Drake Nathaniel Underhill and Ebenezer Heveland of & for the County of West Chester.

The Said Jacob Ten Eyck of & for the City & County of Albany.

The Said Jurian Tappen and Abraham Haasbrook of and for the County of Ulster.

The Said David Corey of & for the County of Suffolk.

AND that they & their Assigns Shall respectively be Vested with all & Singular the Powers & authorities, in the Several Places, for which the Said Excise is hereby Let to Farm unto them, which by the Act herein first Mentioned is given & Allowed to the Farmers of the Excise in any other Counties in this Colony, and the Above Named Persons Shall be and hereby are required, & obliged Immediately after the Publication of this Act, Severally to Enter into the following Recognizances to his Majesty: with Sufficient Surety, that is to Say, Thomas Linch in the Penal Sum of one Thousand & Ten pounds Currant Mony of this Colony and Edward Stephenson Jasper Drake Nathaniel Underhill and Ebenezer Heveland, in the Penal Sum of one Hundred Pounds of the Like Mony. Jacob TenEyck in the Penal Sum of Two Hundred & Eighty Pounds of the Like Mony.

Jurian Tappen & Abraham Haasbrook in the Penal Sum of Sixty one pounds of the Like Mony. And David Corey in the Penal Sum of one Hundred & Twenty Pounds Six Shillings of the like Mony. Conditioned, That each of the Said Farmers Shall well & Truly Pay to the Treasurer of this Colony, the Sums They have Severally Farmed the Said Excise for, At the days and times following that is to Say, Thomas Linch on the first Day of May next Ensuing the Sum of Two Hundred and Fifty two pounds Ten Shillings, and on the first Day of November following the like Sum of Two Hundred and Fifty two pounds Ten Shillings, The Said Edward Stephenson Jasper Drake Nathaniel Underhill and Ebenezer Heveland on the first day of May next Ensuing the Sum of Twenty five Pounds and on the first Day of November following, The like Sum of Twenty five Pounds, The Said Jacob TenEyck on the first Day of May next Ensuing the Sum of Seventy Pounds, and on the first Day of November following the like Sum of Seventy Pounds. The Said Jurian Tappen & Abraham Haasbrook on the first day of May next Ensuing the Sum of Fifteen Pounds five Shillings, and on the first day of November following the like Sum of Fifteen Pounds five Shillings.

And the Said David Corey on the first day of May next Ensuing the Sum of Thirty Pounds one Shilling & Six pence, and on the first Day of November following the like Sum of Thirty Pounds one Shilling and Six pence. ALL which Several Recognizances Shall be Delivered to and Lodged with the Treasurer of this Colony.

[CHAPTER 646.]

[Chapter 646 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack give the date of the passage of this act as December 16, 1737. The original in the office of the Secretary of State gives the date of passage as October 14, 1737. From the Minutes of the Assembly and of the Council for October 14, 1737, it appears that the act was signed on that date. (See Journals of Assembly, p. 718; Journals of Council, p. 687.) The Minutes of the Assembly and of the Council for December 16, 1737, also state that the same act was signed by the governor on that date. (See Journals of Assembly, p. 733; Journals of Council, p. 712.)]

An Act for Naturalizing Johannes
Lorents Carstens

[Passed, October 14, 1737.]

WHEREAS the above named Johannes Lorents Carstens, hath by his Petition Presented to the General Assembly of the Colony of New York, desired that He might be Naturalized, and become his Majesties Liege Subject within the Said Colony.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same. That the above named Johannes Lorents Carstens, Shall be and hereby is Declared to be Naturalized to all Intents Constructions & Purposes whatsoever, and from henceforth and at all times hereafter Shall be Intituled to have and Enjoy all the Rights Liberties Priviledges and advantages, Which his Majesties Natural born Subjects, in the Said Colony have and Enjoy or Ought to have and Enjoy, as fully to all Intents and Purposes whatsoever, as If the Said Johannes Lorents Carstens, had been born within his Majesties Said Colony of New York

PROVIDED allways & it is hereby further Enacted by the Same Authority, That the Said Johannes Lorents Carstens, Shall take the Oaths appointed by Law, Instead of the Oaths of Allegiance & Supremacy, Subscribe the Test, and make Repeat Swear to & Subscribe the Abjuration Oath, in any of his Majesties Courts of Record within this Colony. Which oath the Said Court or Courts or any of Them are hereby Required upon Application to them made, to Administer take the Subscription & cause the name of the Said Johannes Lorents Carstens, So swearing & Subscribing To be Entered upon Record in the Said Court, & the Said Johannes Lorents Carstens is hereby Required to Pay the Several Sums herein after mentioned, that is to Say, To the

Speaker of the General Assembly, the Sum of Ten Shillings, To the Judge of the Court, the Sum of Six Shillings & to the Clerk of Such Court the Sum of Three Shillings

AND be it further Enacted by the Authority aforesaid that if the Said Johannes Lorents Carstens, First having So Sworn and subscribed as Aforesaid, Shall demand a Certificate of his being Entered upon Record, in the manner herein before directed, The Court in which Such Oath & Subscription Shall be made, is hereby Directed & Required to Grant Such under the hand of the Judge & Seal of the Said Court, in which Such Oath & Subscription as aforesaid Shall be made, Countersigned by the Clerk of the Said Court, for which Certificate, He the Said Johannes Lorents Carstens Shall Pay over & above the Sums before Mentioned, the Sum of Six Shillings one half to the Judge of Such Court, and the other half to the Clerk thereof, Which Certificate Shall at all Times be to him a Sufficient Proof of his being Naturalized, by Virtue of this Act, in as full and Effectual a Manner, as if the Record aforesaid was Actually Produced

PROVIDED also and be it further Enacted by the Authority aforesaid, That if the Said Johannes Lorents Carstens, Shall not take the Oaths Test & Abjuration, in manner herein before Directed, within one Year after the Publication hereof, and in Case the Said Johannes Lorents Carstens, Shall not come himself or bring or Send his Family to Settle in this Colony, in one year after the Publication hereof, or in case he the Said Johannes Lorents Carstens, Shall Afterwards Remove himself & Family out of this Colony, and Continue out of the Same, for the Space of one year at any one time, Then & in Either of Such Cases the Said Johannes Lorents Carstens Shall have no manner of Bennefit by this Act, any thing therein Contained to the Contrary notwithstanding.

[CHAPTER 647.]

[Chapter 647 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 637. Expired December 1, 1738. Provided for by chapter 674.]

[An Act for the further Continuing of an Act Entituled an Act, for Settling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, & for Repealing all other Acts relating to the Same, as likewise the Several Acts whereby the Same has been Revived and Continued.]

[Passed, December 16, 1737.]

WHEREAS an Act Entituled an Act for Settling & Regulating the Militia in this Province and making the Same Usefull for the Security and defence thereof, and for Repealing all other Acts Relating to the Same Passed in the Tenth year of his Late Majesties Reign, being Expired by its own Limitation, has by Several Subsequent Acts of the General Assembly, not only been Revived and from time to time Continued but Several Other Clauses and Alterations been Added thereto, and thereby Enacted to be of Force until the first Day of December next Ensuing, and for as much as it is highly necessary to have the Militia of this Province under Proper Regulations.

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act, but likewise all the Several Acts for Reviving & continuing the Same, and every Clause Article Matter and thing contained therein and in Every one of them, Shall be and Remain in full Force and Virtue, from and after the Said first day of December until the first day of December, Which will be in the Year of our Lord Christ One Thousand Seven Hundred and Thirty Eight.

[CHAPTER 648b.]

[Chapter 648b of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 544. Revived by chapter 859.]

An Act to Revive an Act Intituled an Act to Amend the Practice of the Law and to Regulate the giving of Special Bail and to Explain part of the Said Act.

[Passed, December 16, 1737.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Second year of his Present Majesties Reign Intituled an Act, To amend the Practice of the Law, and to Regulate the giving of Special Bail, was by a Subsequent Act Passed in the fourth Year of his Said Majesties Reign continued, and to be of Force until the Twenty first day of September Last, AND the Same having by Experience been found Beneficial for the Inhabitants of this Colony.

BE it therefore Enacted by his Honour the Lieutenant Governor the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That the first mentioned Act Intituled an Act To amend the Practice of the Law, and to Regulate the giving of Special Bail passed in the Second year of his Said Majesties Reign, Shall be & hereby is Revived and further Continued and every Clause Article & thing therein contained to be & remain of full Force from the Publication hereof Until the first day of December, which will be in the year of our Lord One thousand Seven hundred & forty Five.

AND notwithstanding the true Intent & meaning of the before Mentioned Act was, that no Suit or Action Should be Commenced in the Supream Court. But where the Real cause of Action did actually amount to or Exceed the Sum of Twenty Pounds, Yet Several Disputes and Difficulties Having arisen upon that head, For prevention whereof:

BE it Enacted by the Authority aforesaid, That from the Publication and During the Continuance of this Act, All Such Suites or Actions as Shall be Brought upon Bonds Obligations or Penal notes, Whereof the Sum Mentioned in the Condition thereof & the Interest thereon Until the time of bringing Such Suit or Suites Action or Actions doth not Exceed the Sum of

Twenty Pounds, Shall be Commenced heard Tryed & Determined in the Inferiour Courts only.

AND whoever Shall presume during the time aforesaid to Commence any Suit or Suites Action or Actions, upon a Bond Obligation or Penal Note in the Supream Court, Which Shall not Actually amount to or Exceed the Sum of Twenty Pounds in the Manner & after the Computation above Mentioned, Shall be Subject & Liable to the Same Forfeiture as in the like Cases in & by the Said Act is Mentioned, and to be Recovered & applyed in the Same Manner as in & by the Said Act is directed, anything therein to the Contrary hereof notwithstanding.

(CHAPTER 648a.)

[Chapter 648a of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 565. Expired December 1, 1745. Provided for by chapter 799.]

An Act to revive an Act Intituled an Act, To Provide able Pilots, and to Establish their Pilotage between Sandy Hook and the Port of NEW YORK.

[Passed, December 16, 1737.]

WHEREAS an Act Intituled an Act, To provide able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York, Passed in the Fifth year of his Present Majesties reign is Expired by its own Limitation, And for as much as the Same is Necessary for the Safety & Security of the Navigation to be Revived

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the above Mentioned Act Intituled an Act, To provide able Pilots, & to Establish their Pilotage, Between Sandy Hook and the Port of New York, Shall be & hereby is Revived and Every Clause Article & thing therein Contained to be and remain in full Force and Virtue, To all Intents Constructions & Purposes whatsoever, from the Publication hereof Until the first Day of December, Which will be in the Year of our Lord Christ one Thousand Seven Hundred and Forty four.

[CHAPTER 649.]

[Chapter 649 of Livingston & Smith and Van Scaack. where the title only is printed. See chapter 552. Expired December 1, 1744. See chapter 672 for a later act on same subject.]

An Act to Revive an Act Intituled an
Act For the better Preservation of Oysters
and to give Power to make Sale of the For-
feitures therein Mentioned

[Passed, December 16, 1737.]

WHEREAS an Act Intituled an Act for the better Preserva-
tion of Oysters, Passed in the Fourth Year of his present Majes-
ties Reign, is Expired by its own Limitation and the Same having
by Experience been found Greatly to Contribute Towards the
Preservation of oysters

BE it Enacted by his Honour the Lieutenant Governour the
Council & the General Assembly, and it is hereby Enacted by the
Authority of the Same That the above Mentioned Act Intituled
an Act for the better Preservation of Oysters, Shall be & hereby
is Revived & Every Clause Matter and thing therein Contained
to be and remain of full Force & Virtue to all Intents Construc-
tions & Purposes Whatsoever from the Publication hereof Until
the first Day of December, which will be in the Year of our Lord
one Thousand Seven hundred and Forty four.

AND be it further Enacted by the Authority aforesaid that
the Justice or Justices of the Peace before whom Complaint Shall
be made of the Offences Mentioned in the Said Act, Shall & may
Upon Conviction thereof cause Sale to be made of the Forfeitures
to be Incurred by the Said Act, at Publick Vendue, and Dis-
tribute the Mony Arising thereby (After Payments of Charges)
as in & by the Act Aforesaid is Intended & Directed

[CHAPTER 650.]

[Chapter 650 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack state that this act was repealed by the king November 30, 1738. (For copy of veto see Doc. Rel. to Col. Hist. VI, p. 136.)

An Act for the frequent Elections of Representatives to Serve in Generall Assembly and for the frequent Calling and meeting of the Generall Assembly so Elected.

[Passed, December 16, 1737.]

WHEREAS the frequent Electing of the Members that Constitute the Generall Assembly of this Colony and meeting of the Same in Generall Assembly not only tends very much to preserve the liberty and Safety of the Inhabitants of this Colony But also tends to create a good and lasting harmony and agreement necessary for the honour and Interest of his Majesty and the Safety and well being of his Subjects here to Subsist betwixt the Governours for the time being and the Inhabitants of this Colony and to Establish and preserve the SAME upon the most Solid firm and lasting foundation BE IT THEREFORE ENACTED by his Honour the Lieutenant Governor the Councill and the Generall Assembly and it is hereby Enacted by the Authority of the Same that the Generall Assembly of this Colony for the time being shall meet and be holden once in every Year at least at the City of New York unless the Governour or Commander in Chief for the time being (by and with the advice and Consent of a Majority of his Majesties Council for this Colony) Which Majority Shall consist at least of five shall think fit under the Seal of the Province to name and appoint; Some other place within this Colony AND BE IT ENACTED by the Authority aforesaid that within Six Months at the farthest from and after the dissolution of this present Generall Assembly and so from time to time for ever hereafter within Six Months at farthest from and after the determination of every Generall Assembly of this Colony Legall Writs under the great Seal of the Province Shall be Issued for calling Chuseing Assembling and holding a new Generall Assembly which said New Generall Assembly Shall be holden at least once in every year dureing its Continuance as aforesaid And be it farther ENACTED by the Authority aforesaid that from HENCEFORTH no General Assembly whatsoever that shall hereafter be

Elected Chosen called held or ASSEMBLED shall have any longer Continuance than for three Yeares only at the farthest to be accounted from the day, on which by the writs for Election or Summons the said Generall Assembly shall be appointed to meet AND BE IT ENACTED by the Authority aforesaid that this present Generall Assembly shall cease and determine on the fifteenth day of June which shall be in the Year of our Lord one thousand Seven hundred and thirty nine unless the Governour or Commander in Chief of this Colony shall think fit to dissolve the Same Sooner.

[CHAPTER 651.]

[Chapter 651 of Livingston & Smith and Van Schaack, where the title only is printed. Revived by chapter 713.]

An Act to restrain Tavern keepers and Inholders from Seling Strong Liquors to Servants and Apprentices and from giving large Credit to others.

[Passed, December 16, 1737.]

WHEREAS the Selling of Strong Liquors to Servants and Apprentices and the giving of large Credit to others, has by Experience been found to be very prejudiciall to the Inhabitants of this Colony, BE IT therefore Enacted by the Lieutenant Governour The Councill and The Generall Assembly & it is hereby Enacted by the Authority of the Same that from and after the twenty fifth day of December next no tavern Keeper or Inholder within this Colony Shall Sell any Strong Liquors to any Servant or Apprentice knowing him or her to be Such without the Consent of his or her Master or Mistress on the Penalty of Forty Shillings over and above the loss and forfeiture of any Debt that the said Servant or Apprentice Shall or may Contract for any Such Liquors with any Such Tavern Keeper or Inholder the said Penalty to be recovered by any Master or Mistress that Shall Sue for the Same before any one of his Majestys Justices of the Peace for the City or County where Such offence Shall happen to be Committed, who is hereby Impowered and required to hear and determine the Same.

AND be it further Enacted by the Authority aforesaid that if any Such Tavern Keeper or Inholder or any other Person or Persons Shall take or receive directly or indirectly from any Such Servant or Apprentice any Cloathing or any other goods

Chattles Wares or Merchandizes in payment for any Such Strong Liquors or in Pawn or Pledge to Secure any SUCH payment and thereof be Convicted by the Oath of any one Credible Witness or in Such other maner as this Act Shall direct he she or they so offending over and above the Penalty aforesaid shall restore unto the Master or Mistress of Such Servant or Apprentice, all Such Cloathing or other goods Chattles Wares or Merchandizes which She He or they have so taken or received from any Such Servant or Apprentice and that within three days after Such Conviction or forfeit unto the Master or Mistress of any Such Servant or Apprentice double the Value of all Such Cloathing or other goods Chattels Wares or Merchandizes which he she or they have so taken or received as aforesaid to be recovered as by this Act Shall be directed.

AND whereas it is the Common Practice of Such Tavern Keepers and Inholders to Sell their Strong Liquors to Servants and Apprentices and to take and receive from them Cloathing and other goods Chattles Wares and Merchandizes in payment for Such Liquors or in pawn or Pledge to Secure Such payment in so Secret a manner that no Person is privy to it but the said Tavern Keeper or Inholder and Such Servant or Apprentice which renders it very difficult for the Masters or Mistresses of Such Servant or Apprentices to Convict any Person of the offences aforesaid.

BE it therefore Enacted by the Authority aforesaid that if any Master or Mistress of any Such Servant or Apprentice Shall Suspect that any Tavern Keeper or Inholder hath Contrary to the intent and meaning of this Act Sold any Strong Liquors to his or her Servant or Apprentice or taken or received any Cloathing or other goods Chattles Wares or Merchandizes from the said Servant or Apprentice in payment for Such Liquors or in Pawn or Pledge to Secure Such payment then and in Such Case the Master or Mistress of any Such Servant or APPRENTICE Shall and may make his or her Complaint to any one of his Majestys Justices of the Peace of Such City or County where the Person Complain'd of Shall happen to reside, who within three days after any Such Complaint to him made Shall Summon the said Party Complain'd of to appear before him at Such time and Place as he shall direct at which time and place the Complainant Shall also attend and give the reasons of his Suspicion and also deliver an Account in writeing of the particular thing or kinds of Goods which he or she Suspects to have been

taken or received from his or her Servant or Apprentice And upon Oath declare the Value of Such Goods to the best of his or her Judgment in which Case if the Defendant will not then take an oath, that he or she as the Case may happen hath neither directly nor indirectly by him or herself nor by any other Person for him or her Sold to the said Servant or Apprentice of the Complainant any Strong Liquors nor knowingly to any other Person for the Said Servant or Apprentice nor taken or received any Cloathing or any other Goods Chattles Wares or Merchandizes in payment for Such Liquors or in Pawn or Pledge to Secure Such payment from the Servant or Apprentice of the Complainant nor knowingly from any other Person on account of the Said Servant or Apprentice, that then the Defendant Shall be judged deem'd and esteem'd convicted of the said offence and the said Justice Shall within Six days and not under four days after Such Conviction Issue his Receipt of Execution to the Constable of the Town Mannor or Precinct where the offender shall happen to be to levy the aforesaid Penalty, and double the Value of the Goods as aforesaid with Cost of Suit on the Goods & Chattles of the offender to the use of the Complainant in the said Suit unless the Penalty be paid and ye Goods restor'd before that time AND if the Offender has no Goods or Chatels whereon the said Penaltys may be levyed then the Body of the said Offender Shall be Committed to Goal for the Space of twenty days unless he or She shall pay the said Penalty and Charges accruing thereon before that time But if the said Defendant will take the said Oath then He or She as the Case may happen Shall be discharged and the Plaintiff shall pay all the Cost, And if afterwards it appear that any Person or Persons who have taken the said Oath have Sworn falsely Such Person or Persons Shall incur the like Pains and Penaltys as those who are found guilty of Willfull Perjury and be prosecuted accordingly.

AND be it further Enacted by the Authority aforesaid that if any Tavern Keeper or Inholder within this Colony Shall after the twenty fifth day of December next presume to trust or Credit any Person or Persons other than Travellers more or above the Sum of Six Shillings Current money of this Colony he she or they so trusting or Crediting any Person or Persons more then the Sum of Six Shillings as aforesaid for any Sorts of Strong Liquors or other Tavern Expences Shall loose the Debt and hereby be disabled from ever recovering the said Debt or any

part thereof, And if any Tavern Keeper or Inholder Shall presume to Sue for any Such Debt above the Sum of Six Shillings Contrary to the true intent and meaning of this Act every Such Action and Suit Shall abate and the Persons Sued Shall and may plead this Act in Bar and the Plaintiff in Such Suit shall become nonsuit and pay double Cost.

AND be it further Enacted by the Authority aforesaid that if any Tavern Keeper or Inholder shall take or get from any Person trusted as aforesaid any Obligation, Bill or other Security for any Sum above the Sum of Six Shillings under pretence that it is for other goods & THEREOF be Convicted He She or they so offending Shall forfeit double the Sum of Such Obligation so taken the one half to the Poor of the Parish where the forfeiture Shall arise the other half to any Person who shall Sue for the Same in any Court of Record within this Colony

AND be it further Enacted by the Authority aforesaid that if any Tavern Keeper or Inholder Shall Sue any Person or Persons for any Sum of money not exceeding the Sum of Six Shillings the said Person so suing shall upon bringing Such Suit take an Oath that the Sum so by him or Her Sued for is the whole and intire Debt due to him or her from the Defendant at that time and the Plaintiff Shall be thereby disabled from recovering any other Debt Contracted by the said Defendant with the Said Plaintiff before that time for Strong Liquors or any other Tavern Expences be the Same by Specialty or otherwise any Law usage or Custom to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority aforesaid that this Act shall remain and Continue in force from the twenty fifth day of December next untill the twenty fifth day of December which will be in the year of our Lord one thousand Seven hundred and forty and no longer

[CHAPTER 652.]

[Chapter 652 of Livingston & Smith and Van Schaack, where the act is printed in full. See chapter 380. See p. 3 of chapter 756.]

'An Act to divide Dutchess County into Precincts and to Repeal The Act therein Mentioned

[Passed, December 16, 1737.]

WHEREAS Dutchess County by an Act made in the Fifth Year of his late Majesty's Reign Intituled an Act to Elect Super-

visors in Dutchess County, was Divided into three Divisions, And whereas Since that Time the Number of Inhabitants is much Increased & many new Settlements have been made whereby it is become Necessary for the Ease and Convenience of the Inhabitants thereof, That the Said County Should be Divided into more Precincts

BE it therefore Enacted by the Lieutenant Governour the Council & General Assembly and it is hereby Enacted by the Authority of the Same, That from and after the Publication of this Act, The Said County Shall be Divided into Seven Precincts in the following manner, The South Precinct to Contain all that part of the High Lands which is Granted by Patent to Adolph Phillipse Esq'r The Rombout or Fish Kill Precinct to Contain all that part of the Patent Granted to Rombout & Company that Lyeth to the South & South Eastward of wappingers Kill or Creek, Beekman Precinct to Contain all that Land that was Granted to Collo Henry Beekman Deceast Lying to the Rear of the Patent Granted to Francis Rombout & Company Poghkeepsie Precinct to Contain all the Lands to the Northwest of the Wappingers Kill or Creek from the mouth thereof And up along the Said Kill or Creek & Hudsons River until it meets the Patent Granted to Heathcoat & Company called the Lower Nine Partners, Cromelbow Precinct to Contain all the Lands Granted to the Said Heathcoat & Company called the Lower Nine Partners and also all the Land Granted to Peter Fauconier & Company in Pawlings Purchase and as far to the Northward as a Due East Line Run from the North End of Little Esopus Island to the Cromelbow Kill or Creek, Rynbeck Precinct to Contain all the Lands Purchased of the Widow Pawling & her Children by Doctor Samuel Staats Deceas'd all the Land Granted to Adrian Roosa & Company, That Land Patented by Collo Henry Beekman Deceas'd and the Lands Granted by Patent to Collo Peter Schuyler Commonly called Magdalens Island Purchase, THE North East Precinct to Contain all the Lands Granted to Samson Broughton & Company Commonly called the Upper Nine Partners, AND for the Easier Assessing & Collecting the Taxes in the Said County and better Payment of the Charges thereof.

BE it therefore Enacted by the Authority Aforesaid that the Inhabitants of Every respective Precinct are hereby Required & Authorised Yearly & Every Year upon the first Tuesday in

April to Elect & appoint one Freeholder to be a Supervizor, Two Assessors. & one Collector In every Precinct in the Said County, Who shall have the Same Power & Authority to Perform Execute & Serve, and be Lyable to the Same Pains & Penalties as the Supervizors Assessors & Collectors of the Several Counties within this Colony have or are Intended to have or Ought to, do or be Liabe to by an Act Passed in the Year one Thousand Seven hundred & Three, Intituled an Act for the better Explaining & more Effectual putting in Execution an Act of General Assembly made in the Third Year of the Late King William & Queen Mary Intituled an Act for Defraying the Publick & Necessary Charges throughout this Province & maintaining the Poor & Preventing Vagabonds. AND to prevent the Abuses that might otherwise be Committed by the Supervisors

BE it Enacted by the Authority Aforesaid, That every Supervisor within the Said County upon Entring into his Office Shall take the following oath before any one of his Majesties Justices of the Peace who is hereby Authorised & Required to Administer the Same. I, A. B do Swear that I will not Pass any Account or any Article thereof wherewith I doe not think the County Justly Chargeable nor will I disallow any Account or any Article thereof wherewith I think the County Justly Chargeable So help me God

AND be it further Enacted by the Authority Aforesaid That the Wages or Reward for the Several Supervisors within the Said County Shall be Paid by the Freeholders & Inhabitants of Each Precinct Respectively And that Their anual meeting be on Every first Tuesday in February at Paghkeepsie and that the Wages of Each Supervizor Shall not Exceed three Shillings for Each Day AND be it further Enacted by the Authority Aforesaid That it Shall and may be at the Election of the Southern and Northern Precinct Each to Send or Choose a Supervisor for the Term of Seven Years and if Either or both the Said Precincts Neglect or Refuse to Choose Assessors and Collectors, That in Such Case the Southern Precinct Shall be Assessed by the Assessors, and the Mony Collected by the Collectors of the Rombout Precinct, and the Northern Precinct Shall be Assessed by the Assessors and the Mony Collected by the Collectors of the Rynbeck Precinct.

AND be it further Enacted by the Authority Aforesaid That the Assessors of Dutchess County Shall meet Together at Pagh-

keeping and make one General Assessment of the whole County According to the Same Equitable Rate & Proportion, as has hitherto been the Custom in the Said County, Provided allways that at the Expiration of the Seven Years next Ensuing, the Inhabitants of the Southern and Northern Precincts Shall and may Each Choose a Supervisor Collector' & assessor, who are then to be under the Same Restrictions as the rest of the Precincts of the s'd County any thing kerein contained to the Contrary thereof Notwithstanding.

AND be it further Enacted by the Same Authority That the Assessors Shall be Allowed a Clerk to make up their Tax Lists and to Enter them in a Book to be kept for that Purpose, and the Wages of Such Clerk for the Said Services, Shall be allowed by the Supervisors and paid by the County Treasurer as part of the County Charge AND be it further Enacted by the Authority Aforesaid that the herein first Mentioned Act Intituled an Act to Elect Supervisors in Dutchess County Shall be and hereby is Repealed & Every Clause Article and thing therein Contained

[Chapter 653.]

[Chapter 653 of Livingston & Smith and Van Schaack, where the title only is printed.]

[An Act to Enable the Justices of the Peace in that part of Orange County Lying to the Northward of the High Lands, to Build a Court House and Goal for the Said County at Goshan.

[Passed, December 16, 1737.]

WHEREAS his Late Excellency the Governour In Council takeing into Consideration the Inconveniencies of Traveling through the High Lands, Did relieve the Inhabitants residing to the North of the High Lands by Granting Them the Bennefit of Holding Their Courts Alternately at Orange Town and Goshan And whereas the Justices of the Peace in Orange County are Impowered (by an Act Intituled an Act to Enable the Justices of the Peace in Orange County To Build a new Court House and Goal for the Said County, Passed in the Tenth year of his Majesties Reign) to Build a Court House and Goal in the Town of Orange in the said County, Which Said County House and Goal being only Convenient for the Inhabitants Residing to the Southward of the High Lands in the Said County,

AND whereas the Inhabitants Residing on the Northward of the High Lands, by their Humble Petition praying that it may be Enacted to Enable the Justices of the Peace Residing on the North Side the High Lands To Build one other Court House & Goal for the Said County at Goshan, as well for holding of Courts as Securing of Prisoners.

BE it Enacted by the Lieutenant Governour the Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That for Building and Erecting a Court House & Gaol at Goshan and to & for no other Use or Purpose whatsoever, It shall & may be Lawfull to and for the Justices of the Peace Residing to the Northward of the High Lands in Orange County or the greater Number of Them at any Time after the Publication of this Act, to Raise Levy & Collect of and from & upon all and Every the Freeholders Inhabitants and Sojourners within that part of Orange County which Lyeth to the North of the High Lands, In two payments a Sum not Exceeding the Sum of one hundred & Fifty Pounds: one half on or before the First day of May, Which will be in the Year of our Lord Christ one Thousand Seven Hundred & Thirty Eight & The other half on or before the first day of May, Which will be in the Year one Thousand Seven hundred and Thirty Nine, By the Same Rules & methods and under the Same Regulations and Restrictions as are Enacted Ordered & Directed in & by the Aforesaid Act of the General Assembly Intituled an Act to Enable the Justices of the Peace in Orange County to Build a New Court House & Gaol for the Said County. Passed in the Tenth Year of his Majesties Reign in as full and Ample Manner to all Intents Constructions and Purposes whatsoever, as if those Clauses in the Said Act had been particularly and at Large Incerted in the Body of this Act.

BE it further Enacted by the Authority Aforesaid that the Mony to be raised by Virtue of this Act, Shall from time to time be Paid by the Several & Respective Collectors unto Such Person or Persons as by the Said Justices or the Greater Number of Them (at anytime after the Publication of this Act) Shall be Nominated or Appointed to receive the Same, Shall by Them be Employed for Materials & Workmanship to and for the Use and Purposes aforesaid and to no other Use Whatsoever, According to Such Orders and Directions as They Shall from time to time receive for that Purpose, from the Said Justices

of the Peace (of the North part of Orange County as Lyes to the North of the High Lands) or the greater part of Them, They the Said Persons So appointed as aforesaid first giving Sufficient Security for Their due & True Disposition of the Mony to be received by them by Virtue of this Act, and that They Shall & will at all times be accountable for the Same, When thereunto Required by the aforesaid Justices or the Greater Number of them.

AND be it further Enacted by the authority Aforesaid, That the Freeholders Inhabitants & Sojourners on the North Side of the High Lands Shall only Pay Fifteen pounds of the Mony Ordered & Directed by the before Recited Act for Building a Court House and Gaol at Orange Town, and that if any greater Sum be Levied on the Said Freeholders Inhabitants & Sojourners by Virtue of the Said Act, for Building a Court House & Gaol at Orange Town Whatever Sum is over and above the Said Fifteen Pounds Shall be Paid to Such Person as the Justice of the Peace or the Greater Number of Them Living on the North Side of the High Lands Shall order & Direct and be applied Towards Building a Court House and Gaol at Goshan, and that the Said Overplus Sum Shall be Accounted as part of the Mony Directed to be Levied by this Act, on the Freeholders Inhabitants & Sojourners on the North Side of the High Lands, any thing in the Said Act for Building a Court House and Gaol at Orange Town to the Contrary hereof notwithstanding

AND be it further Enacted by the Authority Aforesaid that no Greater Sum than Two Hundred Pounds Shall be Levied on the Freeholders Inhabitants and Sojourners on the South Side of the High Lands for & Towards Building a Court House & Gaol at Orange Town, any thing in the Said before Recited Act to the Contrary hereof notwithstanding.

[CHAPTER 654.]

[Chapter 654 of Livingston & Smith and Van Schaack, where the act is printed in full. See last paragraph of chapter 607.]

An Act for Defraying the Common & Necessary Charge of the Mannor of Cortland in the County of West Chester

[Passed, December 16, 1737.]

BE it Enacted by his Honour the Lieutenant Governour Council & General Assembly and it is hereby Enacted by the Author-

ity of the Same, that for the better defraying the Common & necessary Charge of the Mannor of Cortland, in the County of West Chester as well from the beginning of this Present meeting of the Assembly as all future Charge, That it shall & may be Lawfull for the Inhabitants of the Mannor of Cortland being Freeholders, to Elect & Choose yearly & every year one Supervisor one Treasurer, Two Assessors & one Collector for the Said Mannor who Shall have the Same Power, authority, office, & Function, & do perform Execute and Serve and be Liable to the Same pains & penalties as the Supervisors, Treasurers, Assessors and Collectors of the Several & Respective Counties within this Colony, Have ought or are Intended to have do perform and be Lyable to by one Certain Act of General Assembly Passed in the year of our Lord one thousand Seven hundred & Three Entituled an Act for the better Explaining and more Effectual putting in Execution an Act of General Assembly made in the Third year of the Reign of their late Majesties King William and Queen Mary, Entituled an Act for Defraying the Publick & Necessary Charge through out this Province, and for Maintaining the poor & preventing Vagabonds, AND whereas there is an Act Intituled an Act for Regulating the Choice of a Representative for the Mannor of Cortland in the County of West Chester. It is among other things PROVIDED and Enacted that the Freeholders & Inhabitants of the Said Mannor of Cortland, Shall at all times pay the Wages of their own Representative and that nothing, therein Contained Shall Exempt them from Paying their Due & Equal proportion of the Wages of the Deputies or Representatives for the County of West Chester, and of all other the Annual Publick & Necessary Charges of the Same County

Be it therefore Enacted by the Authority Aforesaid, that every Clause Article & thing Contained in the Said Proviso Shall be Repealed, and it is hereby Repealed Accordingly except the following words viz't and of all other the Annual Publick and Necessary Charges of the Same County. AND be it further Enacted by the Authority Aforesaid That the Wages & Charge of the Rpresentative or Deputy for the Said Mannor in General Assembly Shall be Six Shillings for every day He attends the Service in the Said Assembly, and that as to what Relates to the Wages & Charges of Representatives in General Assembly, the Freeholders & Inhabitants of the Said Mannor Shall only

Pay the Charges & Wages of their own Representative or Deputy in General Assembly and no Other, any Law Usage Custom or practice to the Contrary hereof notwithstanding.

[CHAPTER 655.]

[Chapter 655 of Livingston & Smith and Van Schaack, where the act is printed in full.]

[An Act to prevent the further Importation of Copper money into this Colony.

[Passed, December 16, 1737.]

WHEREAS for Some Years pass'd, great Quantities of English Copper half pence and farthings have been from time to time Imported into this Colony which have been and are paid and received in the Markets and other payments by the Common consent of the People at a higher rate than their intrinsik Value And Whereas by the Conveniency of Such Copper money passing in Small payments the Importation of the Same is still continued. But as the rate at which the said Copper money has been and still is admitted to pass as aforesaid hath occasioned so large an Importation thereof that what was a Conveniency at first may in time prove otherwise if no remedy be applyed And in as much as the Reduceing of the present rate at which Copper money doth pass as aforesaid might prove a vast loss especially to Tradesmen Labouring People & Farmers who are possessed of a large Share thereof and might also be a means to deprive us of a Currancy which has hitherto proved usefull, It is Conceived that the most equitable Expedient will be to prevent the further Importation of the said Copper Coin.

BE it therefore Enacted by the Lieutenant Governour the Councill and the Generall Assembly and it is hereby Enacted by the Authority of the Same that all Copper half pence farthings and all other Copper money whatever which from and after the first day of March next ensuing shall be brought into the Port of New York or in any other Place or Places of this Colony by any Ship or Ships or any other Vessell or Vessells EXCEEDING the Value of ten Shillings Current mony of this Colony for every Person coming in Such Vessell shall be forfeited one third part thereof to his Majesty his Heirs and Successors for and towards the Support of his Government in this Colony, one other third part to the Governour or Commander in Chief for the time being and the other third part to the Informer and

Seizor or him or them who shall in form Seize and Sue for the Same in any Court of Record within this Colony by Bill Plaint Information or other Action wherein no Essoyn Protection or Wager of Law nor more than one Imparlance Shall be allowed

AND for the better putting this Act in Execution Be it Enacted by the Authority aforesaid that if an Officer or Seaman of any Vessell or any other Person who Shall know or be informed that a Vessell has Copper mony aboard does give information thereof to any officer or Officers of the Customs or any other proper Officer Such officer Shall forthwith repair on board of Such Vessell with or without Such Informer and make Seizure of all Such Copper money as shall Exceed the Said Sum of Ten Shillings as aforesaid which shall be discovered and found on Board of Such Vessell and to Secure the Same on Shore in order to be proceeded against according to this Act and for the Encouragement of Such Informer and Seizor they shall upon the Condemnation of Such Copper money be allowed one full third part thereof and the Charge of prosecution is to be deducted out of the other two thirds any Law usage or Custom to the Contrary thereof notwithstanding.

AND be it further Enacted by the Same Authority that all Masters or COMMANDERS of any Ship or other Vessel coming into this Colony after the time herein before mentioned and having Copper money on board of the Vessell under his or their Command Exceeding the Value of ten Shillings as aforesaid shall within twenty four hours after the Arrivel of Such Vessell in the Port of New York make to the Collector or other proper Officer of his Majestys Customs in the said Port, Report of all the copper coin such Vessell hath or had on Board when she arrived within the Limmits of this Colony and to what Person or Persons the Same doth belong or is Consigned which Master shall at the Same time make oath before Such Collector or Officer that to the best of his Knowledge or beleif there is or was Imported by the Vessell under his Command no more Copper money then what is mentioned in the Report so by him to be given & every Such Master or Commander so coming into the Port of New York who shall omit neglect or refuse to make Such Report and oath as aforesaid shall forfeit not only the full Value of all the Copper money which Shall then be Imported in Such Vessell but likewise the farther Sum of fifty pounds Current money of this Colony to be at any time or times thereafter recovered and applyed in manner as aforesaid

[CHAPTER 656.]

[Chapter 656 of Livingston & Smith and Van Schaack, where the act is printed in full. This act is suspended by chapter 1532 during the continuance of that act.]

An Act for Establishing and Regulating
Courts to Determine Causes of Forty Shil-
lings and under in this Colony

[Passed, December 16, 1737.]

WHEREAS the Orderly Regulation & Establishing of Courts of Justice throughout this Colony doth tend very much to the Ease Benefit of his Majesties Subjects within the Same.

BE it therefore Enacted by his Honour the Lieutenant Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the Same, that every Justice of the Peace that now is or hereafter Shall be within any City County Town Mannor or Precinct within this Colony, is & Shall be hereby fully Authorized & Empowered to have & take Cognizance of all Actions Cases & Causes of Debt detinue Trespass and Replevin wherein the Sum or thing demanded for Cause of Action Shall be of the value or amount of Forty Shillings or under, Which causes Actions or Suites Shall be heard Tried & Finally determined by any Such Justice of the Peace who Shall Reside within any City County Town Mannor or Precinct in this Colony.

AND be it further Enacted by the Authority Aforesaid that the Process or warning against every Freeholder or Inhabitant having a Family in any Such Town County Mannor Place or Precinct Shall be by Summons under the hand of the Justice directed to the Constable of the Town or Precinct or his deputy by him Appointed where the Party complained against doth reside which Summons So to be ISSUED Shall be Served by every Such Constable or his Deputy personally on every Such Freeholder or Inhabitant at least two days before the time appointed for hearing Trying & determining the Said Cause, and in case Such defendant cannot be found, that then the Said Constable or his deputy Shall leave a true Coppy of the Summons Signed by him at the Place of Residence of Such Defendant two days before the time of Trial as aforesaid, and that on Proof made on behalf of the Complainant of Such Services as Aforesaid And also that Such Defendant had been at home at

or after the time of Such Summons So Served it Shall and may be Lawfull for the Said Justice to proceed & to hear, Try & Finally determin every Such Cause and Causes whether the Defendant appears on such Summons or not, and to grant Execution thereon under his hand and Seal for Such Sum of Money as Shall be proved to the Said Justice to be Due to the Complainant against the Body or goods of Such Defendant as the Plaintiff in the Suit Shall desire which Execution Shall be directed to the Constable or his Deputy who are hereby directed & required to Serve the Same.

AND It is hereby further Enacted that It Shall and may be lawfull to and for the Justice or Justices before whom Such Actions or Suites Shall at any time hereafter be commenced and prosecuted in pursuance of this Act AND they are hereby directed Impowered & required (at the request of either of the partys to Such Suites) to issue his or their Summons for witnesses under his or their hands and Seales thereby Commanding and requiring the Person or Persons therein named (according to the request of the party desiring the Same) to appear before Such Justice or Justices Signing the Same in order to give their Testimony at the hearing of the Cause Which Shall be then before him or them depending. PROVIDED always and it is hereby further Enacted that it Shall and may be Lawfull for the Plaintiffs or Defendants in Such Suites to have a Jury to Try the Same if Either of them Shall desire it, at the Proper Costs & Charges of Such of the Parties as Shall REQUEST the Same, Such Jury to consist of Six Men being Freeholders

AND WHEREAS the Notice by Summons Two days before appearance as Aforesaid, gives Warning & opportunity to many Idle persons that have neither Freeholds nor Familys to remove into Some other parts of the Country by which means many Persons have lost & are likely to Loose their Just Debts for preventing whereof BE it further Enacted by the Authority aforesaid that if any such person be Indebted to any Person or Persons to the Value of Forty Shillings or under & Shall Neglect or Refuse to pay the Same then and in Such case on Complaint thereof made to any the Justices Aforesaid by the Person or Persons having a Demand on Such Person as aforesaid, It shall & may be Lawfull to and for any Such Justice of the Peace & he is hereby fully Impowered & Required to Issue his warrant under his hand & Seal Directed to Such Constable or his Deputy where

Such person is or Shall then be thereby Comanding him to take the Body of Such Person or Persons as aforesaid & him or her forthwith to bring before him and the Said Justice who Shall Issue Such Warrant is hereby Impowered In Such Case to admitt Such person or persons to bail (in order to appear at the hearing of the Cause at Such time and place as the Justice Shall for that purpose appoint and to abide the Judgment which Shall be given thereon) Upon Such Surety being offered for that purpose on behalf of the Defendant as Such Justice in his discretion Shall think Sufficient, And in Default of Such Bail being offered Such Justice Shall Immediately proceed to hear Try & finally Determine the Cause or Causes in a Sumary way, Unless a Jury be required by either of the Parties as Aforesaid, and upon Judgment given against either of the Said Parties to Issue Execution under the hand & Seal of the Said Justice against his her or their Body or Goods as the Party In whose favour the Judgment Shall be given Shall desire directed to the Constable or his Deputy as Aforesaid who is hereby forthwith Required to Serve the Same AND it is hereby further Enacted by the Authority Aforesaid that on Service of every Execution to be Issued by Virtue of this Act on the Body of the Plaintiff or Defendant in all or any Suits the Said Constable or his Deputy who shall Serve the Same shall deliver the Body of the Person so taken in Execution to the Gaol keeper of the Said County who is hereby required to receive Such Person or Persons and him her or them to Commit to the County Gaol there to remain till the Said Execution Shall be fully paid & Sattisfyed and also on the Service of Every Execution on the Goods & Chattels of any Person or Persons by Virtue of this Act, the Said Constable or his Deputy who shall Serve the Same and take the goods of the Party in Execution, Shall keep the Same three Days in his Custody, and in case the Execution shall not be fully Sattisfyed at the End of the said three Days that then and in Such Case it Shall & may be Lawfull to and for Such Cōnstable or his Deputy & he is hereby authorized and required to Expose the Said goods so taken in Execution to Sale at Publick Vendue and out of the Mony's arising by Such Sale to pay and Sattisfy the Said Execution together with the Charges of Such Sale Rendering the Overplus to the Owner, if any be.

AND be it further Enacted by the Authority Aforesaid, that no Replevin Suit or Action Shall at any time hereafter be Com-

menced or brought in any of the County Courts of common pleas or Mayors Courts, In this Colony wherein the true & real Cause of Action the Value of the thing or things demanded or Damages Sustained does not Exceed the Sum of Forty Shillings current Money of this Colony, and in case any Such Suit or Action Shall hereafter be brought in Any of the Said Courts, yet nevertheless if it so happen that the Jury who shall try Such Action or Suit or the Jury who Shall Enquire of the Damages on a Writ or Writs of Enquiry Shall find or Assess the Damages under Forty Shillings as Aforesaid, then the Plaintiff or Plaintiffs in Such Action shall pay all Costs (Actions of Assault and Battery & Trespass wherein Title of Land is Claimed excepted) any Law Usage or Custom to the Contrary notwithstanding.

Provided Nevertheless that Nothing in this Act Shall extend to matters of Account where the Sum totall of Such Account Shall exceed in the Amount or Value thereof the Sum of ten pounds Any thing herein to the Contrary Notwithstanding.

PROVIDED also that nothing herein contained Shall extend or be Construed to extend to abridge alter or Lessen the Powers Rights Priviledges & methods of Proceedings of the Mayor Recorder or Aldermen of the Citys of New York, & Albany & Burrough of West Chester or any of them, Which they or any of them were Intituled to before the Making hereof any thing in this Act to the Contrary thereof Notwithstanding.

AND PROVIDED also that Nothing herein Shall extend to oblige Such Justices of the peace within this Colony as are Members of his Majesties Council to take cognizance of Such Causes Matters or things as are by this Act provided for but that they Shall be at liberty at all times to act therein or not as to them Shall Seem fitting Any thing herein to the Contrary Notwithstanding.

[CHAPTER 657.]

[Chapter 657 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1744. Provided for by chapter 780.]

An Act for the Better Clearing & further
Laying out Publick High Roads in Dutchess
County.

[Passed, December 16, 1737.]

ALTHO all or most of the Publick High Ways are Already laid out & Ascertained in Dutchess County it may nevertheless be necessary to lay out Some other High Roads in the Said County

for the Conveniency of Carriage & Travellers & whereas the Several Acts for laying out Roads in the Said County are Expired by their own Limitation

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that from & after the Publication & during the Continuance of this Act the persons herein after named Shall be & hereby are Appointed Commissioners to Regulate the High Ways & to lay out Such other Publick Roads as may Still be Necessary within the Said County and They and each of them are hereby fully Authorized & Impowered to put in Execution the Several Services Intended by this Act in Such Precincts & Places only for which they Shall be respectively named & Appointed, that is to Say for the South Precinct Adolph Philipse Esq'r David Husted and Frances Nelson. For Rombout Precinct Johannes For Boss Johannes Van Voorhees and Lowerens Losie, for Beekmans Precinct, Henry Beekman Esq'r Gilbert Livingston Esq'r & Cap't Jacob Van Campen, For Poghkeepsie Precinct Barent Van Cleeck Peter Lassing & Hendrick Pelts, For the Crom Elbow or Lower nine Partners Precinct, Jacob Hoff Josiah Criego & Frances Heegeman, For the Ryn Beck Precinct Henry Beekman Esq'r Cap't Barent Van Benthuisen & Cap't Henry Heerman AND for the North East Precinct Such persons as the Pattentees or the Majority of them Shall Appoint.

AND be it further Enacted by the Authority aforesaid that the Commissioners or the Major part of them in their Respective Places for which they are named & Appointed Commissioners are hereby Authorized & Impowered to Regulate the Roads already Layd out, and to lay out Such other Publick Roads in the Several Places for which they are Appointed Commissioners as to them or the Major part of them Shall Seem Necessary & Convenient, and if need be to take a Review of the Roads allready laid out & Such of them as Appear to be really Inconvenient, the Said Commissioners Appointed for the Several Places & Precincts if They think it absolutely Necessary Shall lay out Such other Publick Ways & Roads as they or the Major part of them Shall think most Convenient as well for Travellers as for the Inhabitants of the next adjacent Town mill or Market or Common Landing place. PROVIDED that nothing in this Act contained Shall extend or be Construed to Impower the Commissioners Aforesaid to alter any Road that is allready commodious or to lay the Same

through Inclosed or Improved Lands without either the Consent of the owner or owners thereof or Paying to them the true Value of the Lands so laid into an High Way, and if any dispute Shall arise by that means the Same Shall be Determined and the True value Set & Appraised by two Justices of the Peace & by the oath of Seven of the Principal freeholders of the Neighbourhood not having any interest in the Land about which Such dispute may Arise the Freeholders to be Summoned by the high Sheriff by virtue of a Warrant to be Issued by the Said Two Justices for that Purpose, and Such determination shall be Final and conclusive thereon.

AND be it further Enacted by the Authority aforesaid, that if any Person or Persons within the Said County Shall hereafter without the Consent of the Commissioners or the Major part of Them for Such Precinct for which they are by this Act appointed Commissioners, Alter Stop up or Lessen any high Ways or Road that heretofore hath been laid out by former Commissioners or any Road that has been used for above Five Years th'o not laid out by the Commissioners or any Road that Shall hereafter be Laid out by the Commissioners named in this Act, Such Person or Persons So Offending contrary to the meaning of this Act Shall for every Such offence forfeit the Sum of Forty Shillings Currant money of this Colony to be Recovered before any two Justices of the Peace upon the oath of any two or more Credible witnesses & Shall be Levied by Warrant from any two or more Justices of the Peace Directed to the Constable of Such Precinct where Such offence Shall be Committed, By Distraining the goods & Chattels of the offender & the Said Constable after Six days Publick notice given by him or the Said distress Shall make Sale thereof and out of the Produce pay the Forfeiture & Charges & Return the over-plus if any be to the owner or owners, Which Said Forfeiture of Forty Shillings Shall be applyed by the Surveyors of the high Ways for & Towards repairing the Publick Roads or Bridges within the Precinct where Such Forfeiture Shall arise

And be it further Enacted by the Authority Aforesaid that if any Common publick Road or high Way Shall be Laid through ANY meadow ground or Corn fields the Breadth of the Said Road Shall be left to the Discretion of the Commissioners or the Major part of them for any Precinct or Place where Such Road Shall run as Aforesaid, Shall not Exceed the Breadth of two Rods or Less than one & half Rod

AND be it further Enacted by the Authority Aforesaid that the Inhabitants of the Respective Towns, or Precincts by & through which any Common publick high Ways or Roads have or Shall hereafter be ascertained or Laid out Shall be & hereby are obliged to Clear & maintain the Same by Cutting and Stubing up the Brush & Lopping off the Limbs of the Trees that hang over the Said Road and Pulling up the Stones that can be moved & to carry them out of the Road the Breadth following that is to Say in Such Places as Waggons and Sleays are Commonly made use of the Breadth of one Rod at Least, & where Roads are only or Chiefly made use of by Travellers so broad as will make the Same Commodious for Such Travellers, and so often as the Said Inhabitants or any of them Shall have Notice from any one of the Respective Commissioners or overseers of the high Ways for the time being, They shall in their Turn Either by them Selves or by able Slaves or Servants Clear Level and amend ye high ways not Exceeding Six days in the Year under the penalty of Three Shillings for each Day every Person or Persons Shall Neglect or Refuse Such Service to be Levyed by the Constable in each Town or Precinct by Distress & Sale of the offenders goods and Chattles by Warrant from the Overseer of the high Ways for the time being in Each Respective Town or Precinct where Such offence Shall be Committed returning the over Plus of Such Sale (if any be) to the owner or owners the Constable being first paid for his pains & trouble out of the distress & Sale as is Usual in the like cases. PROVIDED always and it is hereby further Enacted by the Authority Aforesaid, that all Trees Standing or Lying in any Persons Land through which any Common publick high way or Road is or Shall be laid out, Be for the Proper use of the owner or owners of the Same, but the Said owners Shall not hinder the Publick from making use of So much Timber which is Standing or Lying on that Road as will amend the Said high Way or Bridges leading through that Land, and if no Timber can be found upon the Said Road within a mile from Such Bridge or Bridges, It shall & may be Lawfull for the Inhabitants of Such Precinct or Precincts to go upon the Commons or waste Ground next adjoining and there cut and Carry away So much Timber as will make or amend Such Roads or Bridges.

AND be it further Enacted by the Same Authority, that where any high way from any Town or Neighbourhood to any Mills meadows or Common Landing Shall run through any Particular

Persons ground, it shall and may be Lawfull for Such person or Persons by & with the Approbation of any two Commissioners for Such Town or Precinct to hang good Swinging Gates on Such highways & he She or they to keep them in repair at their own cost. PROVIDED no Road leading into or out of any woods plains or Commons where the Cattle belonging to any Town or Neighbourhood Usually pass through to or From the Common or Feeding Grounds Shall be Clogged or hindred by any Swinging Gates as Aforesaid, unless by the Consent of the Major part of the Inhabitants of Such Town or Neighbourhood, and the Same high Ways, Shall be Amended & maintained by the Inhabitants only of every Town or Precinct where Such ways are or Shall run.

AND be it further Enacted by the Same Authority that in case any person or persons Shall Stake or Shore open any Such Gate or Gates as Aforesaid or otherwise Ride over or through any Land meadow ground or Cornfield to the Damage of the owners thereof Such Person or Persons Shall for every Such offence forfeit the Sum of Six Shillings to be recovered and Applied by the Overseers of the high Ways in each respective Town or Precinct where Such offence Shall be committed towards Repairing the Publick high ways or Roads & pay all Such Damages with costs, the owner of the Soil or Tenant shall Suffer or Sustain thereby, as Shall be ordered and awarded by any one or more Justices of the Peace residing near to the Place where Such offence Shall be committed, and the Determination of Such Justice Shall be Final and Conclusive therein.

AND be it further Enacted by the Authority Aforesaid that if the Overseers of the high ways & Roads Shall think fit & have occasion of any Team Cart or Waggon & a man to manage the Same, The Said Team Cart or Waggon Shall be esteemed to be for & in Lieu and Instead of three days work of one man and the fine to be proportionable that is Treble to the fine to be Imposed for the NEGLECT of one Person & Every working man Shall be Obligated to bring Such Tools as Spades Axes Crows pick axes or other utensils as Shall be Directed by the Overseers of the high ways.

AND be it further Enacted by the Authority aforesaid that if any of the Commissioners herein Appointed Shall neglect Refuse or Delay to put the Several Clauses in Execution which are mentioned & Expressed as their Duty in this Act, if thereunto required or Shall happen to Die or Remove out

of the Precinct for which He or They are Appointed Commissioners, It shall and may then be Lawfull for the Justices of the Peace in the Sessions to be held for the Said County to Appoint in his or their Stead another Commissioner or Commissioners in Such Place or Places where Such refusal Neglect Death or Removal Shall so happen which Commissioner or Commissioners So Appointed Shall be under the Same Restrictions & have the Same power & Authorities as those named & appointed by this Act.

AND be it further Enacted by the Same Authority that the Commissioners of Each respective Town or Precinct for which they are Respectively Appointed Shall from time to time during the Continuance of this Act enter in writting all the high ways or Roads by them laid out altered or Stopt up & Sign the Same by putting their Names thereto and cause the Same to be entred in the County records by the Clerk of the Peace who is hereby directed & required to Record the Same & whatsoever the Said Commissioners Shall do According to the Powers given them in this ACT being so Entered in the County Record Shall be deemed Valid and good to all Intents and Purposes whatsoever.

And be it further Enacted by the Same Authority that each Commissioner Appointed or to be Appointed by Virtue of this Act Shall have take & receive a Sum not Exceeding three Shillings each day as a Reward for his or their care and Trouble, in Laying out & Regulating the high ways in each Respective Town or Precinct for which they are Severally Appointed which Said reward or Wages Shall not be any part of the County Charge but Shall be defrayed by each Town or Precinct as they are Joined in this Act Payable in the Same manner as Such Wages Usually are or ought to be Paid.

AND be it further Enacted by the Authority Aforesaid that upon the ordering of any one or more Justices of the Peace or any one or more of the Commissioners within the Town or Precinct for which He or they are Appointed as Aforesaid, the Overseers of the Town or Precinct Shall and do within Six days thereafter warn & Set at work the Respective Inhabitants to mend & repair the Kings Roads and Bridges which by Law and Custom they are Obligated to repair & if the overseers Shall Neglect or refuse to warn & Set at work the Inhabitants as aforesaid & See the Said Roads Bridges & high ways Amended and repaired Such overseer or overseers Shall for every Such neglect or Refusal forfeit or Pay a fine of Forty Shillings to be recovered before

any one Justice of the Peace of the Said County upon the oath of any one or more Credible Witness or on the View of Such Justices or on the View of any one of the Commissioners WITHIN his or their District in the Common & Usual method, which fine Shall be Applied towards repairing the Said high ways or Roads in Such Precinct wherein the fine did arise.

PROVIDED always and it is hereby further Enacted by the Authority Aforesaid that no Overseer Shall be hereby Impowered to command or Compell any Inhabitants of the Aforesaid Precinct to work upon any Publick Road in time of Harvest or Hay Time without Special Ocasion PROVIDED allways and it is hereby further Enacted by the Authority Aforesaid that where the Inhabitants of a Small Neighbourhood or Plantation Should desire to have a Publick Road Laid out the Commissioners aforesaid Shall not be Allowed to Lay out Such and So many Roads as the Said Inhabitants Should be desirous to have but only one Publick way Leading from Such Neighbourhood or Plantation to the Nearest Publick high Road from whence They can Travel or Transport Goods to other Towns Mills or Landing Places, and where it Shall be Necessary to Lay out a Road from one Precinct as they are in this Act Joined to another Precinct, the Commissioners of both Such Precincts are to meet and consult where Such Road can be Lay'd in the best and Streightest MANNER and to Lay out the Same accordingly to the End Such Road may not only Correspond with each Other, but be Laid out & Carryed on in the most Convenient & Shortest manner the Nature of the Land will allow, this Act to be of Force from the time of its Publication until the first day of December which will be in the Year one thousand Seven hundred & Forty four.

[CHAPTER 658.]

[Chapter 658 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for the further Encouragement
of a Publick School in the City of New York
for Teaching Lattin Greek & Mathematicks

[Passed, December 16, 1737.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Sixth year of his present Majesties Reign Intituled an Act to Encourage a Publick School in the City of New York for Teaching Lattin Greek and Mathematicks is Expired by its own Limitation.

AND whereas a Liberal Education is not only a very great Accomplishment but the Properest means to attain to knowledge Improve the mind Morality & good manners and to make men Better wiser and more usefull to their Country, as well as to themselves

AND whereas the City and Colony of New York abounds with youths of a Genius not Inferiour to other Countries, it must undoubtedly be a Loss to the Publick and a Misfortune to Such youths if they are destitute of the opportunity to Improve their Capacities by Education.

AND whereas Mr Alexander Malcolm the Present publick School Master has given Satisfactory proof of his abilities to Teach Lattin Greek & the Mathematicks, But as the Income of that School Falls Short of a comfortable Support for himself & Family, It is therefore conceived reasonable that a Suitable Encouragement Should be given and Provided by the Publick, under Such Regulations & Restrictions as may Effectually answer the good Ends & Purposes thereby proposed.

BE it therefore Enacted by his Honour the Lieutenant GOVERNOUR the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that there Shall be one Publick School Established and kept in the City of New York to Teach Lattin Greek and all the Parts of the Mathematicks from the first day of December in this present year one thousand Seven hundred & thirty Seven, to the first Day of December then next ensuing, and that the above named Alexander Malcolm Shall be the Master thereof During that time under the Regulations & Restrictions & for the rewards and Encouragement herein after & in an Act Intituled an Act for Licencing Hawkers & Pedlars within this Colony is Mentioned

AND be it further Enacted by the Authority Aforesaid that the above named School Master or the School Master of Such School for the time being Shall for & in Consideration of the Reward & Encouragement hereinafter and in the last Mentioned Act be & hereby is obliged during the time aforesaid to Provide at his own Cost & Charge in the City of New York a proper & Convenient House or Room & therein during the time and Term aforesaid (Sundays and the usual Holy days only excepted) To teach Gratis, and without any farther reward or Consideration from any person whatsoever than what is allowed to him by this Act in the best manner He is able, the Lattin & Greek Lan-

guages arithmetick & all other Branches of the Mathematicks, or in Such of them as the Said School Master Shall be ordered & Directed by the Persons herein after vested with the Power to give Such orders & Directions the NUMBER of Twenty youths in the Proportion following that is to Say

For the City & County of New York Ten, For the City and County of Albany Two, For Kings County, one For Queens County one, For Suffolk County one For West Chester one, For Richmond one For Orange County one, For Ulster County one, & For Dutchess County one.

AND be it further Enacted by the Authority Aforesaid that the youths So to be Taught are to be recommended in Manner following. That is to Say For the Cities & Counties of New York & Albany, by the respective Mayors, Recorders & Aldermen thereof, and for the Several Counties by the Justices at the General Sessions of the Peace to be held for those Counties respectively and in Such Recommendations under their hands, They are respectively to Certifie the Name & names of Such youth or youths his and their age (which is not to be under nine Years) and that They have been well Instructed in reading & writing of English & in Such Certificate is to be added a Command to the School Master for the time being to receive Such youth or youths as a Scholar or Scholars who is accordingly to receive him or them into his school, and to Teach him or them in Such manner, as he by Such Certificate or Order Shall be directed. And the Persons aforesaid are hereby Impowered and Directed not only to Grant Such Certificates & orders Gratis But in like manner from time to time to Supply Such Vacancies as Shall or may happen in the Said School in the Said Number of youths, by Death or Otherwise during the Continuance of this Act.

AND be it Enacted by the Same Authority, that if the Said Mr Malcolm or the School Master for the time being Shall at any time during the Term aforesaid, Refuse to Receive or Teach the Youths Sent to him for that Purpose, in the manner above mentioned, It shall absolutely Barr him of the reward by this Act allowed to him. PROVIDED the Number of Such Youths do not exceed the Number herein before Limited, nor Shall it be deemed a default in him, if the Said Cities or Counties Shall at any time Recommend or Send a Less number than They hereby have a Right to do, And to the end the School hereby Intended, may be duly & orderly kept, and the Aforesaid Schollars well Instructed

BE it further Enacted by the Same Authority, That the Justices of the Supream Court, The Rector of Trinity Church, and the Mayor Recorder & aldermen of the City of New York for the time being or the Major part of Them, Shall be & hereby are Impowered Constituted and Appointed Visitors of the Said School for the Term Aforesaid, and Vested with a Power to Remove the Master, for the Time being for Misbehaviour or Neglect of his Duty, and upon his removal to Elect Appoint & Establish another in his Place, as also whenever the Masters Place is void by any other means whatsoever during the term aforesaid, the Visitors aforesaid or the Major part of them are hereby further Authorized & Impowered to Elect appoint & Establish a Master in Such Place So become void, and the Master So by them Elected, Appointed & Established, Shall be Intituled to Such Proportion of the Salary or Reward during the time of his Service as the Master aforesaid have been, had he Continued PROVIDED and be it Enacted by the Same Authority that the before named Alexander Malcolm hereby Appointed Master of the Said Publick School, Shall not be removed, during the term aforesaid, Except for Misbehaviour or Neglect of his Duty in the keeping of the Said School or in teaching of the Youths in Manner aforesaid. AND for the further Encouragement of the Said School Master or the School Master for the time being.

BE it Enacted by the Authority Aforesaid, that over and above the Sum or Sums of Money Annually to be raised in the City of New York by Virtue of an Act Intituled an Act for Settling a Ministry and raising a Maintenance for them in the City of New York COUNTIES of Richmond, West Chester & Queens County, Passed in the fourth year of King William & Queen Mary, There Shall at the Same time in the Same Manner & by the Same Persons be assessed Levyed and Collected & Paid to the Treasurer of the Said City, during the Continuance of this Act, the Sum of Forty Pounds Currant Money of this Colony, besides the Charge of Collecting & Paying the Same, For which Sum So to be paid during the Said Time, the Mayor of the Said City, for the time being, in Common Council Convened is to Issue Warrants for the Same, on the City Treasurer Payable Quarterly to the Above named Mr Malcolm or the School Master for the time being, and the Said Mayor the Said Treasurer, and all Persons who are to Assess, Levy and Collect the above Mentioned Tax for the Minister & Poor are hereby Strictly Charged

& Commanded to Act Conformable to the true Intent & meaning of this Clause.

AND be it further Enacted by the Authority Aforesaid that this Act, Shall be Deemed a Publick Act & accepted as Such in all Courts, & by all officers within this Colony.

[CHAPTER 659.]

[Chapter 659 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act to Enable the Justices of the Peace in Ulster County to defray the Charges of Building a Court House & Goal for the Said County & to Enable them to Finish the Same and for the Defraying of Other Charges therein Mentioned.

[Passed, December 16, 1737.]

WHEREAS the Justices of the Peace in Ulster County or the greater Number of them have by Virtue of an Act of the General Assembly Passed in the Sixth year of his Majesties Reign Intituled an Act to Enable the Justices of the Peace in Ulster County to Build a Court House & Goal for the Said County, and to Enable them to dispose of the old County house & Goal & the Lot of ground it Stands on, and to Enjoyn the Supervizors to Raise the Charge of Executing the Negroe therein mentioned, and also by Virtue of one Other Act Passed in the Eighth year of his Majesties Reign Intituled an Act for the better Explaining & more Effectual putting in Execution the Act of General Assembly therein Mentioned, already caused to be Built & Erected Such a Structure within the Town of Kingston in the Said County, as is Esteemed deemed and allowed of to answer the End and purposes as by the Aforesaid Acts was Directed, but not altogether Finished by reason that many disputes have happened concerning the manner of Raising the Money Directed by Said Acts, only Two hundred pounds having been raised by Virtue of Said Acts AND whereas the Justices of the Peace aforesaid have caused to be made Carriages for Five Great Guns the Charges whereof Amounting to the Sum of Twelve pounds

BE it Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That for the Defraying the Charges already

Expended in Carrying on the Building as Aforesaid and for Finishing the Same & for Defraying the Charges for making the Carriages as Aforesaid, It shall & may be Lawfull to and for the Justices of the Peace or the greater Number of them for the Said County, at any time after the Publication of this Act, to Raise Levy & Collect of From & upon all and every Freeholders Inhabitants and Sojourners within the Said County at Such time & times as to them or the greater Number of them Shall Seem most Convenient, So much money as Shall appear to them already Lay'd out & unpaid for the Building aforesaid So that the whole Sum to be Raised by this Act do not exceed the Sum of Seventy Eight Pounds for Finishing the Same, and for Paying the Charges of making the Said Carriages over & above the Five Hundred pounds allowed by the before recited Acts AND for the more Easy & Effectual Levying the Respective Sum & Sums of Money Imposed by this Act.

BE it Enacted by the Authority aforesaid that it Shall and may be Lawfull to and for the Said Justices of the Peace of the Said County or the greater Number of them for the time being, and They are hereby Authorized Impowered & Required to Assemble in the County House of Said County or at Such other Place as unto them Shall Seem meet, at Such time & times as to them or the greater Number of them Shall Seem most Convenient, and by Warrants under their hands & Seals cause to come before them or the greater Number of them as Aforesaid, the Assessors of each Respective Town Mannor Liberty or Precinct in the Said County for the time being and thereby Order them to Assess all the Estates Real & Personal of the Freeholders Inhabitants & Sojourners of and in their Said Several Districts for which They are Chosen Respectively, and that They Return their Assessments under their hands, unto the Said Justices or the greater Number of them for the time being, at Such time and place as by the Said Warrants Shall be Directed, Upon which return the Said Justices or the Greater Number of them are hereby Directed AND Impowered to Issue forth their Warrants to the Respective Collectors of the Said County for the time being to Collect the Sum & Sums So Respectively Assessed of and all & every Freeholders Inhabitants and Sojourners in the Said County, So that They Pay the Said Sum & Sums So Collected to Such Person & Persons as the Said Justices by their Warrants Shall Appoint for that purpose.

PROVIDED allways that Every Collector Respectively be allowed nine pence in the pound for his Trouble & Pains in Collecting and Paying the Same

AND be it Enacted by the Authority Aforesaid, that the Assessors of Each Town Mannor & Precinct within the County aforesaid, Shall before They or any of them Shall deliver their Assessment, take the following Oath before the Justices Aforesaid, who are hereby Impowered & Required to Administer the Same, That they have well Truely Equally Impartially & in due & Equal Proportion According to the best of their Skill & Understanding. Assessed & Rated all the Estates Real & Personal of all the Freeholders Inhabitants & Sojourners of the respective Places for which They were Chosen or Appointed Assessors at an Eighth part of the whole

AND be it further Enacted by the Authority Aforesaid THAT if any Person or Persons chosen or Appointed Assessors or Collectors for the time being Shall deny Neglect to Assess or refuse to make Such Assessments as by this Act is required, or Shall deny Neglect or Refuse to Collect any Sum or Sums of Money Lay'd Taxed & Assessed in form before mentioned and thereof be Convicted before any one of his Majesties Justices of the Peace for the Said County, Shall forfeit the Sum of Five pounds Currant Money of this Colony to be recovered before any one of his Majesties Justices of the peace for the Said County who is hereby Authorized Impowered and Required to hear & Determine the Same, which Sum of Five pounds is to be Paid one-half to the Treasurer of Said County towards defraying the Publick Charge of Said County, and the other half to him that Shall Sue for the Same, and the Said Justice to appoint other Assessor or Assessors Collector or Collectors in his or their Room or Stead.

AND be it further Enacted by the Authority aforesaid that if any Person or Persons within the Limits of this Act Shall deny, Neglect or Refuse to pay his or their Proportion according to their Assessment, Then it Shall & may be Lawfull for the Collector or Collectors to make Distress & Sale of the offenders goods, & after the Rate and Reasonable Charges paid to Return the overplus if any there be to the owner or owners

[CHAPTER 660.]

[Chapter 660 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for Lowering the Interest of
Moncy to Seven p. Cent

[Passed, December 16, 1737.]

WHEREAS the great and Excessive Usury now commonly taken in this Colony is found to be a Very great discouragement to the Trade thereof and an Obstruction to the Settlement of the Same, For remedying & Preventing of which for the future

BE IT ENACTED by his honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That no Person or Persons whatsoever from and after the first Day of May which will be in the Year of our Lord one thousand Seven hundred & Thirty Eight, upon any Contract which shall be made from and after the Said first day of May take directly or Indirectly for Loan of any Moneys, wares Merchandise or other Commodities whatsoever above the Value of Seven pounds for the Forbearance of one hundred Pounds for one Year and so after that rate for a greater or Lesser Sum or for a Longer or Shorter time, and that all Bonds contracts & Assurances whatsoever made after the time Aforesaid for Payment of any Principal, or money to be lent or Covenanted to be performed upon or for any Usury whereupon or whereby there shall be reserved or taken above the rate of Seven pounds in the hundred as Aforesaid Shall be utterly Void; and that all & every Person or Persons WHATSOEVER which Shall after the time Aforesaid upon any Contract to be made after the Said first day of May, take accept or receive by way or means of any Corrupt Bargain, loan, Exchange, Chevizance, Shift or Interest of any wares, Merchandize, or any other thing or things whatsoever, or by any Deceitfull way or means, or by any Covine, Engine or Deceitfull Conveyance, for the forbearing or giving Day of payment for one whole year, of and for their money or other thing above the Sum of Seven pounds for the Forbearing of one hundred pounds for a year and so after that rate for a Greater or Lesser Sum, or for a Longer or Shorter Term, Shall forfeit and loose for every Such offence the Treble Value of the Monies Wares Merchandises, and other things So lent, Bargained

Exchanged or Shifted any former Law to the Contrary hereof notwithstanding.

AND be it farther Enacted by the Authority Aforesaid, that all & every Scrivener & Scriveners, Broker and Brokers, Solicitor and Solicitors Driver & Drivers of Bargains for Contracts who shall after the Said first day of May, take or Receive, directly or Indirectly, any Sum or Sums of Money or other reward or thing for Brokeage, Solliciting Driving or Procuring the loan or forbearing of any Sum or Sums of Money, over and above the Rate or Value of Ten Shillings for the Loan, or forbearing of one hundred Pounds for a year & so in proportion for a greater or Lesser Sum or above Eighteen pence for making or Renewing of the Bond or Bill for Loan or forbearing thereof, or for any Counter Bond, or Bill concerning the Same, Shall forfeit for every Such offence the Sum of Twenty pounds with Costs of Suit.

AND be it Enacted by the Authority Aforesaid that one Moiety of all the Forfeitures mentioned in this Act Shall be to the Kings most Excellent Majesty his heirs & Successors to be paid to the Treasurer of this Colony for & Towards the Support of this his Majesties Government, and the other Moiety to him or them that will Sue for the Same in the Same County where any of the Several offences are Committed, and not Elsewhere, by Action of Debt, Bill Complaint or Information, in which no Essoyn, Wager of Law or Protection Shall be allowed or more than one Imparlance.

PROVIDED nevertheless, & it is the true Intent & meaning of this Act, that all Bonds Mortgages & other Specialties executed or which shall be Executed before the Commencement of this Act, The Obligor or Mortgagor or Other Debtor his or her Heirs Executors or Administrators Shall Pay to the Obligee or Mortgagee or other Creditor his or her Heirs Executors, administrators or Assigns until the Payment of Such Bond Mortgage or other Specialty, Such Interest for the forbearance of the Money Due by the Same, as the Said Obligor, Mortgagor, or other Debtor was bound or had agreed to Pay to the Said Obligee Mortgagee or other Creditor.

[CHAPTER 661.]

[Chapter 661 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith and Van Schaack state that this act was confirmed by the king June 12, 1739.]

'An Act for Confirming 'An Agreement and Exchange of Lands in the Township of Oysterbay formerly made Between Sampson Hawxhurst and John Pratt Deceased and Securing those Claiming under them or Either of them in their Possessions; AND also to Secure those in their Possessions who Hold Certain other Lands in the said Township which were formerly Conveyed to the said Sampson by his Brother William Hawxhurst.

[Passed, December 16, 1737.]

WHEREAS John Townsend late of Oysterbay in Queens County Deceased by Deed under his hand and Seal bearing Date the Eighteenth Day of January one Thousand Six hundred and Ninety Eight in Consideration of Natural Love and Affection did Grant unto Sampson Hawxhurst his Son in Law and to his Daughter Hannah the Wife of the Said Sampson A Certain parcell of Land Containing about one hundred and Eighty acres lying at a place Called Cedar Swamp in the Township of Oysterbay aforesaid TO HOLD unto them the said Sampson and Hannah and their Heirs which he the said Sampson should beget of his aforesaid Daughter Hannah to dispose of Amongst them as he the said Sampson Should See Cause, as in and by the said Deed may more fully and at Large appear, BY Virtue of which Deed they the said Sampson and Hannah became Seized of the premises and were possessed thereof Until some time in the year One Thousand Seven hundred and Thirteen when the said Sampson and Hannah did Consent and Agree to and with one John Pratt of Oysterbay aforesaid Carpenter to Exchange the said Lands for the Lands and premises hereinafter mentioned, and Accordingly the said parties did Execute Either to the other Certain Deeds or instruments in writing under their hands and Seals bearing Date the Twenty fifth day of March in the said Year one Thousand SEVEN Hundred and Thirteen for that purpose That is to say, the said Sampson Hawxhurst and Hannah his wife did Give and Execute unto the said John Pratt a

Certain Deed for the Lands Conveyed unto them by their ffather as aforesaid TO HOLD to him the said John In ffee Simple, AND the said John Pratt and Anne his Wife did Give and Execute unto the said Sampson Hawxhurst A Deed for a Certain Tract or Neck of Land and Meadows at a place Called Matenicoek in the Bounds of Oysterbay aforesaid Containing by Estimation Two hundred and Thirty Acres TO HOLD to him the said Sampson in ffee Simple As in and by the said two last mentioned and in part recited Deeds May also more fully and at Large appear; BY VIRTUE of which Exchange so made the said parties possessed themselves of the Lands by them Exchanged and Conveyed to Each other as aforesaid and were Generally Esteemed and taken to be the real true and Lawfull owners and proprietors thereof; And Accordingly the said John Pratt in and by A Certain Deed under his hand and Seal bearing Date on or about the Twenty Seventh Day of May in the Year one Thousand Seven hundred and Nineteen for A Valuable Consideration Did Sell and Convey the Lands which he so had in Exchange from the said Sampson Hawxhurst to one John Wood in ffee, and so the Same Lands have since from time to time been Sold Conveyed and Devised in Several parcells to Several persons under the said John Wood, who have made very Considerable Improvements and Buildings thereon, and Now hold and possess the Same under him by Virtue of the Titles aforesaid, AND the said Sampson Hawxhurst by his Last Will and Testament under his hand and Seal bearing Date the Twenty Third Day of October One Thousand Seven hundred and Thirty two Devised the Lands which he so had in Exchange from the said John PRATT unto and Among his Children therein Named in ffee, who now Hold and possess the Same Accordingly, AND WHEREAS William Hawxhurst brother to the aforesaid Sampson by Deed under his hand and Seal bearing date the Twentieth Day of October one Thousand Seven hundred and Two In Consideration of Natural Affection did give and Grant unto the said Sampson Hawxhurst in General Tail; All his right of Lands and Meadows which he had within the patent and Township of Oysterbay both divided and undivided Consisting of Several Lotts in divers parts of the Said Town by Estimation all amounting to about one hundred and fifty acres, as in and by the said impart recited Deed may more fully and at Large appear AND WHEREAS the said William and Sampson Hawxhurst Soon after the makeing and Executing

of the Same Last mentioned Deed did for a Valuable Consideration Sell and Convey two of the said Last mentioned Lotts (so as aforesaid Settled on him the said Sampson in Tail) unto one William Crooker in ffee, notwithstanding the Settlement aforesaid, AND WHEREAS after the Death of the said William the said Sampson by Virtue of the Said Last mentioned Deed of Settlement from his brother the said William Hawxhurst possessed himself of the said Lands and was Generally Esteemed the true rightfull and Lawfull owner and proprietor thereof, And accordingly Sold a Great part of the Same Lands and Meadows Contained in the said Last mentioned Deed to Several persons in ffee Simple, and the remainder of What he Did not so Sell, he by his Last Will and Testament Devised Some part to pay his just Debts and the remainder unto and Among his Children in ffee who hold and Enjoy the Same By Virtue thereof; AND WHEREAS Micajah Townsend of OYSTER BAY in Queens County aforesaid and William Hawxhurst the Eldest son and heir at Law to the aforesaid Sampson Hawxhurst in behalf of themselves and the rest of the present owners and possessors of the Lands and premises aforesaid, by their Humble Petition to the House of Representatives; Setting forth the premises herein before recited, and further that the said Lands have from time to time been Sold and disposed of from one to another believing that the said Sampson had Good Right to Sell and dispose of the Same in ffee Simple according to his Conveyances; And that Great Improvements have been made thereon, and the Same are Now held by Several ffamilys who will in a Great measure be Ruined in Case the heir in Tail Should attempt to take Advantage of the Ignorance of the times and persons who purchased the Same Lands as aforesaid, And as the petition'r William Hawxhurst the Eldest Son and heir at Law to the said Sampson is Willing and Desirous that the Deeds Conveyances and Devises So as aforesaid made by his aforesaid ffather and Uncle Should be Good and Valid to pass an Estate in ffee Simple to the said John Pratt and the rest of the Grantees of the Lands to them Sold or devised according to the intention of the parties, prayed Leave to bring in a Bill to be relieved in the premises, AND WHEREAS Proof hath been made before his Hon'r the Lieutenant Governour in Councill and Entred in the Councill Book, that Publick Notifications of the said petition'rs Intentions to Apply for this Act have been made in the Parish of Hempstead where

the Premises Lye for three Sundays and more Successively before the presentation of their said petition pursuant to his Majesty's Royal Instructions for that purpose, And the General Assembly Conceiving it highly reasonable and just that relief should be Given in the premises.

BE IT THEREFORE ENACTED BY HIS HONOUR THE LIEUTENANT GOVERNOUR THE COUNCILL AND GENERAL ASSEMBLY AND IT IS HEREBY ENACTED BY THE AUTHORITY OF THE SAME That the said Micajah Townsend and all and every other person and persons who now own and are possessed of any part or parcells of the Lands so as aforesaid Exchanged and Conveyed by the said Sampson Hawxhurst and John Pratt to Each other or Contained in the said Deed from William Hawxhurst to his brother the said Sampson Hawxhurst as aforesaid, BY VIRTUE of any devise Gift Grant or Purchase made of from or by the said Sampson and William Hawxhurst or Either of them or the said John Pratt or the Executors of the said Sampson or of from or by their or any of their Assigns Claiming by from or Under them the said Sampson and William Hawxhurst or Either of them or the said John Pratt or the Executors of the said Sampson, Shall from hence forth and for Ever be adjudged Deemed and taken to be the true rightfull and Lawfull owner and owners of Such part of the Said Lands so by them Severally possessed, and Shall and may have hold and Enjoy the Same against the Heirs of the said John Townsend Sampson Hawxhurst William Hawxhurst and John Pratt and against the Heirs of Each and Every of them, According to their Respective Deeds of purchase, or Gift, or Devise made unto them by Will; any thing in the said Deed of Settlement from the said John Townsend to the said Sampson Hawxhurst or in the said Deed of Settlement from the said William Hawxhurst to the said Sampson or Either of them to the Contrary there of in any wise notwithstanding.

AND BE IT FURTHER ENACTED BY THE AUTHORITY aforesaid, That all the Remainder of the Lands aforesaid So as aforesaid Settled on the said Sampson Hawxhurst which he in his Life time did not Sell Convey and dispose of shall be and hereby Are Vested in the Sons of him the said Sampson in ffee; to be Divided Among them according to the true intent and meaning of the Last Will and Testament of him the said Sampson Hawxhurst.

SAVEING always unto his Majesty his heirs and Successors And all Bodys Politick and Corporate and all other persons whatsoever (Except such as are mentioned in this Act and those Claiming by from or Under them) their Respective rights of in and to the premises and every part thereof; PROVIDED always that neither this Act nor anything therein Contained shall be of fforce untill his most Sacred Majesty shall be Graciously pleased to Give his Royal Assent thereunto.

[CHAPTER 662.]

[Chapter 662 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Gustaph Martin Rhuell Conrad Franck Andreas Klebsatel, Hane Lissenman, Jorg Riht Meyer Jorg Wenss, Charles Lushar Abraham Meyers Cohen Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius, Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfred Hendrick, Hendrick William Will Diel Rohefeller William Holzapel Phillip Schuttes Paul Dick Isaac Raphael Rodrignez & Pilus Yung

[Passed, December 16, 1737.]

WHEREAS the above named Gustaph Martin Rhuell Conrad Franck Andreas Klebsatel Hanes Lissenman Jorg Riht Meyer Jorg Wenss Charles Lushar Abraham Meyers Cohen Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius, Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfred Hendrick, Hendrick William Will Diel Rohefeller William Holzapel Phillip Schuttes Paul Dick Isaac Raphael Rodrignez & Pilus Yung, Have by their Petitions presented to the General Assembly of the Colony of New York, desir'd that They might be naturalized & become his Majesties Liege Subjects within the Said Colony.

BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly and it is hereby Enacted by the Authority of the Same, That the above named Gustaph Martin Rhuell Conrad Frank Andreas Klebsatel Hanes Lissenman Jorg Riht Meyer Jorg Wenss, Charles Lushar Abraham Meyers Cohen Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius,

Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfred Hendrick Hendrick William Will Diel Rohefeller William Holzapel Philip Schuttes Paul Dick Isaac Raphael Rodriguez & Pilus Yung, Shall be and hereby are declared to be Naturalized to all Intents constructions and Purposes whatsoever, and from henceforth & at all times hereafter Shall be Intituled to have and Enjoy all the Rights Liberties Priviledges & advantages which his Majesties Natural born Subjects in the Said Colony have and Enjoy or ought to have & Enjoy as fully to all Intents and Purposes whatsoever, as if the Said Gustaph Martin Rhuell Conrad Frank Andreas Klebsatel Hanes Lissenman Jorg Riht Meyer Jorg Wenss, Charles Lushar Abraham Meyers Cohen Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfred Hendrick Hendrick William Will, Diel Rohefeller William Holzapel Phillip Schuttes Paul Dick Isaac Raphael Rodriguez & Pilus Yung, Had been Born within his Majesties Colony of New York, Provided allways and it is hereby further Enacted by the Same Authority, That the Said Gustaph Martin Rhuell Conrad Frank Andreas Klebsatel Hanes Lissenman Jorg Riht Meyer Jorg Wenss Charles Lushar Abraham Meyers Cohen, Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfried Hendrick Hendrick William Will Diel Rohefeller, William Holzapel Phillip Schuttes Paul Dick Isaac Raphael Rodriguez and Pilus Yung, Shall take the Oaths Appointed by Law instead of the Oaths of Allegiance and Supremacy, Subscribe the Test & make repeat Swear to, & Subscribe the Abjuration Oath in any of his Majesties Courts of Record within this Colony, Which Oath the Said Courts are hereby required upon application to them made to administer the Same take Subscriptions and cause the Names of the Persons so Swearing & Subscribing to be Entered upon Record in the Said Court, and the Said Gustaph Martin Rhuell Conrad Frank Andreas Klebsatel Hanes Lissenman Jorg Riht Meyer Jorg Wenss Charles Lushar Abraham Meyers Cohen Johan Miller Frederikus Muzelius Georgius Wilhelmus Mancius Mathias Ernest Hans Jury Haas David Loon Dederick Dick Godfred Hendrick, Hendrick William Will Diel Rohefeller William Holzapel Phillip Schuttes Paul Dick Isaac Raphael Rodriguez & Pilus Yung, Are Each of them hereby Required to Pay the Several Sums herein after Mentioned that is to Say to the

Speaker of the General Assembly the Sum of Ten Shillings to the Judge of the Court the Sum of Six Shillings & to the Clerk of Such Court the Sum of three Shillings

AND be it further Enacted by the Authority Aforesaid that if the Said Persons or any of them having so Sworn and Subscribed as aforesaid, Shall demand a Certificate of his or their being Entred upon Record in the Manner herein before Directed, the Court or Courts in which Such oaths & Subscriptions Shall be made are hereby Directed and Required to Grant Such under the hand of the Judge & Seal of the Said Court or Courts in which Such Oaths & Subscriptions as aforesaid, Shall be made Countersigned by the Clerk of the Said Court, For which Certificate Each of them Shall Pay over & above the Sums before Mentioned. The Sum of Six Shillings one half to the Judge of Such Court & the other half to the Clerk thereof, Which Certificate or Certificates Shall at all times be to the Person or Persons therein named a Sufficient Proof of his or their being Naturalized by Virtue of this Act, In as full and Effectual a manner as if the Record aforesaid was Actually produced by the Person or Persons so named in such Certificate Provided also & be it further Enacted by the Authority Aforesaid that Such of the Persons hereby Naturalized as Shall not take the Oaths Test & Abjuration in manner herein before Directed, within nine Months after the Publication hereof, Shall have no manner of Benefit by this Act, anything therein Contained to the Contrary notwithstanding

[CHAPTER 663.]

[Chapter 663 of Livingston & Smith and Van Schaack, where the title only is printed. Expired January 1, 1738. Provided for by chapter 691.]

An Act to Restrain Hawkers and Pedlars
within this Colony from Selling without
Licence.

[Passed, December 16, 1737.]

BE it Enacted by his Honour the Lieutenant Governour the Council and General Assembly and it is hereby Enacted by the Authority of the Same, That from and after the first day of January next, there Shall be Answered & Paid to his Majesty his Heirs & Successors, by every Hawker Pedlar Petty Chapman or any other Trading Person or Persons going from Town to Town or to other Mens Houses, & Travelling either on foot or

with Horse, Horses, or otherwise within this Colony of New York (Except as hereafter is Excepted) carrying to Sell or Exposing to Sale any goods wares & Merchandizes a Duty of Five pounds pr annum, and that every Person so Travelling with a Horse or other Beast bearing or drawing Burthen Shall Pay the Sum of Five pounds pr Annum for each Horse or other Beast, bearing or Drawing Burthen, He or She Shall so Travel with over and above the Said first Mentioned Duty of Five Pounds.

AND be it Enacted by the Authority Aforesaid. That every Pedlar Hawker or Petty Chapman & other Trading Person or Persons so Travelling as Aforesaid within this Colony Shall take a Licence from Alixander Malcolm or the Master of the Publick School of New York for the time being, & in order thereto Shall deliver unto the Master OF the Said School or Such Persons as Shall be Deputed by him, a Note in writting under His, or Her hand, or under the hand of some Person by him Her or them Authorized in that behalf, How & in what manner He or She will Travel & Trade, whether on foot or with one or more Horse or Horses or other Beast Bearing or Drawing burthen for his or her so Travelling & Trading, for which He or She thereupon Shall Pay unto the Said Alixander Malcolm, or the School Master for the time being the full Sum or Sums above Mentioned, & thereupon the Said Alixander Malcolm or the Master of the Said School for the time being is hereby Authorized Impowered & Required upon the Terms aforesaid, and on the Payment made as aforesaid, to Grant Licence under his Hand & Seal to Every Hawker Pedlar Petty Chapman or any other Trading Person for him or her Self with one or more Horses or other Beasts bearing or Drawing burthen wherewith He or She Shall Travell as the Case Shall require, for which Licence there Shall be Paid by the Person to whom Such Licence Shall be granted the Sum of three Shillings & no more over and above the Duties aforesaid, and which Licence and method of obtaining & granting thereof Shall be good & Effectual and that the School Master for the time being, Shall keep a distinct account of the Duties to be received by Virtue of this Act

AND be it further Enacted by the Authority Aforesaid That if any Such Hawker Pedlar or Petty Chapman, from & after the Said first day of January next be found Trading as Aforesaid, without or Contrary to Such Licence Such Person Shall for each & Every Such Offence forfeit & Pay the Sum of Thirty Pounds

Currant money of this Colony, the one Moiety thereof to the Informer, and the other Moiety to the Poor of the Town or Place wherein Such Offender Shall be Discovered. AND that every Person so Trading, who upon Demand made by any Justice of the Peace, Sheriff, Constable or any other Person within this Colony where He or She Shall so Trade, Shall refuse to Produce or Shew his her or their Licence for so Trading to be granted as Aforesaid, that then the Person so Refusing Shall forfeit Five pounds to be paid to the Overseer of the Poor where Such demand Shall be made, to the use of the Poor of that Place, and for Nonpayment thereof Shall Suffer one months Imprisonment

AND be it further Enacted by the Authority Aforesaid, That if any Person or Persons Shall Forge or Counterfeit any Lycence or Lycences to Travel with Such Forged or Counterfeit Lycence for the purposes aforesaid, Such Person Shall forfeit the Sum of Fifty pounds one Moiety thereof to his Majesty his heirs and Successors, to be applyed as the Governour or Commander in Chief, Council & General Assembly of THIS Colony Shall hereafter think fit, The other half to him or them that Shall prosecute or Sue for the Same, To be recovered by Action of Debt Bill Plaint or Information, in the Supream or any of the Inferiour Courts within this Colony in which no Esoyn Protection Wager of Law or more then one Imparlance Shall be allowed.

AND be it further Enacted by the Authority Aforesaid, That if any Person or Persons, Shall be sued Molested or troubled for Putting in Execution any the Powers contained in this Act, or for doing any matter or thing pursuant thereunto, Such Person or Persons Shall & may Plead the General Issue NOT GUILTY and give the Special Matter in Evidence & if the Plantiff or plaintiffs Shall become nonsuit or discontinue his or their Action, or if a Verdict pass against him or them the Defendant Shall Recover Treble Cost, for which Execution Shall Issue in Such manner as in other Cases where Costs are allowed to Defendants.

AND be it further Enacted by the Authority Aforesaid, That it Shall & may be Lawfull for any Person or Persons whatsoever to Seize & detain any Such Hawker, Pedlar Chapman or other Trading Person or Persons as aforesaid who shall be found Trading without a Lycence contrary to the Intent & meaning of this Act, and him her or them So Seized to carry before one or more of his Majesties Justices of the Peace of the County or Place where Such offence or offences SHALL be committed, which

Said Justice or Justices of the Peace is & are hereby Authorized & Strictly Required (either upon the Confession of the Party offending or due Proof of any one Credible witness upon oath) which Oath He or they is & are hereby Impowered to administer, That the Person so brought before him or them had so Traded as Aforesaid and if no Such Lycence Shall be produced by Such offender before the Said Justice or Justices by Warrant under his or their hands & Seals or under the hand & Seal of one of them to Cause the Said Sum of Thirty Pounds to be forthwith Levied by distress & Sale of the offenders goods Wares or merchandize Rendering the Overplus, if any be, to the owner or owners thereof, after true Deduction for the Reasonable Charge of taking the Said distress & out of the Said Sale to Pay the Said Respective Penalties & Forfeitures Aforesaid

AND in order to prevent the giving of any unnecessary Trouble to any person or persons who Shall Suspect any Such Hawker, Pedlar Petty Chapman or other trading Person Trading without a Lycence,

BE it Enacted by the Authority Aforesaid that upon Refusal of producing Such Lycence to any Person or Persons demanding the Same & it be afterwards produced to the Justice or Justices Such Offenders for Such Refusal Shall forfeit & Pay to the person or PERSONS demanding the sum of Thirty Shillings Current money aforesaid

AND BE it further Enacted by the Authority Aforesaid that the Said Alixander Malcolm or the Master of the Said School of New York for the time being, Shall be & is hereby Empowered to appoint one or more persons in each County of this Colony to be Officers for the better putting this Act in Execution

AND be it further Enacted by the Authority aforesaid that the Monies to arise by Virtue of this Act Shall be Applyed to the Payment of the Sum of Forty Pounds to the Said Alixander Malcolm or the Master of the Said School of New York, for the time being during the Continuance of this Act, and the Remainder is to be applyed as the Governour or Commander in Chief for the time being, Council & General Assembly of this Colony Shall hereafter think fit, But in case the Money to arise by this Act Shall fall Short of the Sum of Forty Pounds, Such Deficiency Shall not be deemed a Debt due from this Colony.

PROVIDED always, and be it Enacted by the Authority Aforesaid that this Act nor any thing therein Contained Shall Extend

to prohibit any Person from Selling any Fish Fruit or VICTUALS, or to hinder any person or persons who are the Real workers or makers of any goods or Wares of his her or their own Manufacturing, in any Publick market Fair or Elsewhere nor any Tinker, Glasier, Cooper, Plummer, Taylor, or other Person Usually Trading in mending & making of Cloaths, Kettles, Tubs or Houshold goods whatsoever from going about & Carrying with him or them proper Materials for making & mending the Same.

PROVIDED also & be it further Enacted by the Authority aforesaid that Neither this Act nor any thing therein Contained Shall Extend or be construed to give any Power for the Lycencing any Hawker Pedlar or Petty Chapman to Sell or expose to Sale any Wares or Merchandize in the Citys of New York & Albany, any thing herein contained to the Contrary notwithstanding

PROVIDED Likewise that any Person or Persons comeing to any Town or Towns with a Cargo of Goods and Merchandizes, and bring the Same into a House, in Such Town where They are to Lodge or Reside at least the Space of thirty Days & disposing of their goods or Merchandizes in Such House only, Such person or persons Shall not be deemed a HAWKER, Pedlar or Petty Chapman within the meaning of this Act, any thing therein to the Contrary notwithstanding this Act, to Commence on the first day of January in this present year one thousand Seven hundred & Thirty Seven & to Continue of Force until the first Day of January then next Ensuing

[CHAPTER 664.]

[Chapter 664 of Livingston & Smith, where the act is printed in full. Chapter 664 of Van Schaack, where the title only is printed. See chapters 566, 633. Continued by chapter 794.]

An Act to prevent Damages by Swine in the County of Orange & Some parts of Ulster County, and for repealing all other Acts concerning the Same within the Said County of Orange.

[Passed, December 16, 1737.]

WHEREAS Several Acts of the General Assembly of this Colony have Passed, for the preventing of Damages done by Swine in Some of the Particular Precincts of Orange County, and other

parts of the Said County Suffering their Swine to Run at Large by reason whereof great disputes have arisen for the preventing whereof for the future

BE it Enacted by his Honour the Lieutenant Governour Council and General Assembly, and it is hereby Enacted by the Authority of the Same that all the aforesaid Acts of General Assembly for preventing of Swine Running at Large in any of the Precincts of Orange County Shall be repealed and hereby are Repealed to all Intents Constructions & Purposes whatsoever and in as full & ample manner as if no Such Acts had ever Passed

AND be it further Enacted by the Authority aforesaid, that from and after the Publication of this Act, It shall and may be Lawfull for all & every the Inhabitants Living in the County of Orange from time to time & at all times thereafter during the Continuance of this Act to take keep or Impound (in any pound or place within the Said County) all Such Swine Small or great which Shall so go at Large & get into their or Either of their Corn fields Orchards Gardens Meadows or Other Inclosures contrary to the true Intent & meaning of this Act until the owner or owners of Such Swine Shall Pay & Satisfy to the Person or Persons who shall so take or Impound them, the Sum of three Shillings current money of this Colony for the Trespass of Every Such Swine besides the Damages Such Person or Persons Shall have Sustained by means or Reason of Such Trespass or Trespases which Damages so to be had Shall be Ascertained by any three of the Freeholders within the Said Precincts or the Major part of them Agreeing

And be it further Enacted by the Authority Aforesaid that in case the owner or owners of Such Swine so taken kept or Impounded as aforesaid Shall or will not within Twenty four hours after notice of Such taking keeping or Impounding, Redeem their Swine by Paying the Penalties Imposed by this Act, that then & in Such case it Shall and may be Lawfull for the Person or Persons so taking & Impounding Such Swine, to Expose the Said Swine (so taken & Impounded) to open Sale to the highest Bidder & the money Ariseing by Such Sale to dispose of the one half to his own proper use & the Other half to the Overseers of the Precinct (where Such Sale Shall happen) for the Use of the Poor within the Same.

AND be it further Enacted by the Same Authority that the Precincts of the New Pauls Shawongonk Pauls River and the high Lands in the County of Ulster Shall be and hereby are under the Same Regulations Restrictions Fines & Forfeitures as are before Expressed in This act concerning their Swine runing at Large

This act to Continue and be in force from the Publication thereof until the first of November which will be in the year of our Lord one thousand Seven hundred and Forty Five and to the End of the then next Sessions

[CHAPTER 665.]

[Chapter 665 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1740.]

An Act to Defray the Necessary & Contingent Charges of the Garrison of Oswego Repairing the Same and for the Better Regulating the Furr Trade

[Passed, December 16, 1737.]

WHEREAS under the Present Circumstances of the Trading House at Oswego there is an Absolute necessity to defray the Expences thereof least a Place of Such Importance Should be deserted, which would not only endanger the Loss of the Furr Trade but likewise Lessen the Dependance of the Six Nations of Indians on the Crown of Great BRITTAİN,

BE it therefore Enacted by his Honour the Lieutenant Governour & Council and the General Assembly and it is hereby Enacted by the Authority of the Same, That there be given and Granted to his Majesty his heirs & Successors to & for Supporting the Trading House at oswego to Victual the Troops posted or to be Posted there and to defray the Contingent & Necessary Charges attending the Same from the first day of November in this present year one thousand Seven hundred & thirty Seven, To the first day of November which will be in the year one thousand Seven hundred & Forty and to & for no other use and Purpose whatsoever the Duties & Impositions following on the goods hereafter mentioned, which Shall be Sold carryed or Transported in order to be disposed of to the Indians or to the French from the first day of November in the Year one thousand Seven hundred & thirty Seven to the first day of November which will be in the Year one thousand Seven

hundred and FORTY both Inclusive that is to Say on every Piece of Strouds or other Cloaths the quantity of one ounce & five penny weight of Sevil Pillar or mexico plate or Ten Shillings in Bills of Credit made Currant in this Colony, and on every gallon of Rum or Other distilled Liquors one Shilling in like Money Except an Allowance of Ten pr Cent for each Battoe or Canoe for their Store and So in proportion for a greater or Lesser quantity and for the better Securing the payment of the Said Duty

BE it enacted by the Authority aforesaid that every Person and Persons Carrying, Sending or Transporting any Strouds or other Cloths Rum or other Distilled Liquors, (except as before Excepted) from the City of Albany or from any part of the Said County whether Sold or with Intent to Sell the Same to the Indians or to the French Shall first enter or report to the Commissioners herein after named or to one of their Deputies the full and exact quantity thereof and at the Same time become bound to Pay the Duty by this Act Imposed on the Said goods unto them or their order within three Calendar Months after Such Entry, and Secure the payment thereof by recognizance Bond or Bill at the Election of the Said Commissioners or their Deputies .

'AND be it further Enacted by the Authority aforesaid that Immediately after the Said goods are so Entred & the Duties thereof SECURED in Manner aforesaid then the Said Commissioners or Either of them or their Deputy Shall give a proper Certificate under his or their hands and Seals of the Persons name so entring & the quantity & Species of the goods for which the Duty is so Secured & for Such Certificate of all the goods so Entred at one time, the party so Entring the Same Shall pay one Shilling, and for a Recognizance Bond or Bill two Shillings and no more

And to prevent evil disposed persons to Elude the Duty hereby laid on Strouds or other Cloths by cutting them into Small Pieces

BE it enacted by the Authority aforesaid that of Strouds cut & Sold in Small parcels every twenty four Yards Shall be Accounted as one piece, and be Subject to Pay the Duty of Ten Shillings laid on it by this Act and so in proportion.

BE it also enacted by the Authority Aforesaid that all Such Strouds or other Cloths & Rum or Other Distilled Liquors as Shall be Sold to the Indians or French during the Continuance of the Said Duty, the Person or Persons so Selling the Same Shall be Subject Lyable & answerable for the Duty laid thereon by this

Act, and shall be obliged upon oath to declare the full Quantity of the Goods So Sold if thereunto required by the Said Commissioners or Either of them & to pay the Duty thereof as fully & effectually as IF the Party had Entred into Recognizance for the Same.

BE it further enacted by the Authority Aforesaid, that if all or any part of Strouds or other cloths So entred & the Duties thereof paid or Secured by any person or persons in manner as aforesaid Shall be unsold & returned to the place where a Certificate was granted for the Same, The Said Commissioners are hereby directed & required either to remitt and deduct out of the Recognizance Bond or Bill given for the Duty thereof so much as the Duty of Such returned Strouds or other Cloths amount to, or to pay the Same back to the Party if Such Duty is paid to the Commissioners before that time. Provided the party requiring Such Remittance or Repayment first Swear on the Holy Evangelist that Such Strouds or other cloths were Actually entred & duty paid or Secured for them within Sixty days before Such Swearing & likewise that He will not again Send carry or Transport them for Sale to the Indians or French until He shall first enter & Secure the Duties thereof

AND to prevent Strouds or other Cloths Rum or other Distilled Liquors from being clandestinely Sent carryed or Transported for Sale to the Indians or French,

Be it further Enacted by the Authority Aforesaid that if the Said Commissioners Shall during the time a Duty is HEREBY laid on those goods have Information or Just cause to Suspect that any Person or Persons has or have Sent carryed or Transported any Such goods or Liquors before mentioned or either of them without Enttring or more than Entred it Shall be Lawfull for the Said Commissioners & they or one of them are hereby Required to Summons Such person or persons before him or them & He She or they So appearing Shall be obliged to make oath before him or them of the full quantity of Strouds or other Cloths Rum or other Distilled Liquors Sent Carryed or Transported for Sale to the Indians or French by or for him her or them So Summoned from a time to be named by the Commissioners, which is not to be before the Twentieth day of this Instant December, and upon Such Information or Suspicion afterwards He shall & may Issue such Summons or Summonses again & again & cause Such oath to be administred, Provided the time do not extend beyond the

time at which the Party Swore last, and if upon Such Oath or Oaths it appears that more is Sent Carryed or Transported than what has been duly Entred the Party or Parties is and are hereby obliged Immediately to Pay a Double duty for all Such goods as Shall appear to be Sent or Sold without Entry or more then Entred or enter into Recognizance to Pay it within Ten days thereafter and on failure of either, the Same is to be Recovered before any two Justices of the Peace in the City or County of Albany who are hereby Impowered & Required to award Judgment and (if need be) Executions ACCORDINGLY, and if the Party or Parties so Summoned as aforesaid do not appear at or within fourteen Days after Such Summons is Personally Served upon him her or them or Left at his her or their usual Place of abode or appearing, Do refuse to Swear & give an Account as aforesaid, in either of Such case He She or they Shall forfeit unto his Majesty his Heirs & Successors, To and for the use of the Said Trading house the Sum of Fifty Pounds to be Recovered in any Court of Record within this Colony by Action of debt Bill Plaint or Information wherein no Esoyn Protection or wager of Law or any more than one Impar lance Shall be allowed Provided that if Such Person or Persons be afterwards Summoned the Oath Shall only be required from the time the last Summons was dated and the Said Commissioners are hereby Impowered & Authorized to administer the Several Oaths in this and in the foregoing clause mentioned

BE it further Enacted by the Authority aforesaid that if any Rum or other Distilled Liquors Strouds or other Cloths be found to the Westward of the Town of Schanegtady or any Strouds or other Cloths beyond the Bounds of the City of Albany to the Northward without Such Certificate as aforesaid the Same Shall be Forfeited unto his Majesty his heirs and Successors & Recovered in any Court of Record within this Colony, by Bill Plaint or Information wherein no Essoyn Protection or wager of Law or any more than one Impar lance Shall be allowed one half of which Forfeiture to be for the use of the Trading house at Oswego and the other half to and for any other person or persons Seizing Informing & Prosecuting the Same, to Effect

AND be it further Enacted by the Authority Aforesaid that John Depeyster and John Schuyler Shall be & hereby are appointed Comissioners for managing Securing & Collecting the Duties above mentioned & for the Effectual doing thereof, They

are hereby fully Authorized to receive Such Entries or Reports & to grant & Issue Such Certificates as aforesaid, Likewise to appoint one or more Deputies under them with the like or Limited power always Provided that They Shall be answerable for the conduct & management of Such Deputy or Deputies, Provided likewise that all the money to arise by Virtue of this Act Shall be received by the Said Commissioners or Either of them and by them from time to time transmitted to the Treasurer of this Colony, and if one of them happen to Dye before the Determination of the Said Duties, all the Said Power shall devolve on the Survivor of them and in case they both Dye within the Said time then the first Deputy to be appointed by them Shall have the same Power and Authority hereby given unto the Said Commissioners, until another Shall be Appointed, by a subsequent Act & in the meanwhile be Subject to all the directions and Rules and to take the Same Oath & to enter into the like Recognizance and be Intituled to the Same Reward as in this Act is & Shall be mentioned on the behalf of the above named Commissioners

AND be it further Enacted by the Authority Aforesaid that the Said Commissioners Shall be & hereby are obliged to do & perform everything by this Act required of them to be done & performed according to the true Intent and meaning thereof, and not only to keep exact Books of all the Duties to arise by Virtue of this Act, but also to render true & Just Accounts thereof upon oath to the Governour or Commander in Chief for the time being the Council and General Assembly when by them or either of them thereunto required and of all the Several Sums They Shall receive and Transmit to the Treasurer, It Shall be Lawfull for them to retain in their hands as a Reward for their Trouble & care by this Act required to be done & performed by them Five Pounds on every Hundred Pounds & after that Rate for a greater or Lesser Sum so received & Transmitted as Aforesaid

BE it also Enacted by the Authority aforesaid that each of the Commissioners aforesaid Shall within fifteen days after a Printed Coppy of this Act, Shall come up to the City of albany take the following Oath on the Holy Evangelists before the Mayor or Recorder of the Said City vizt I A B do swear that I will not during the Continuance of the Duties Imposed by this Act Issue Such Summones or administer Such Oaths as I am

thereby Impowered to do against or to any other person or persons that Such as I Shall really Suspect or be Informed to have Sent Carryed Transported or Sold to the Indians or the French Strouds or other Cloths or Rum or Other Distilled Liquors without Entering the Same or more than what has been so Entered, and that if I Send Transport or Sell to the Indians or to the French any of Such goods on my own Account or in Partnership with others I shall give full Credit for the whole Duty thereof in the Book to be kept by me of the Said Duty So help me God.

AND the Said Commissioners are hereby further Obligated at or within the time Aforesaid Severally to Enter into Recognizance with two Security's unto our Sovereign Lord the King his heirs and Successors before the Said Mayor or Recorder himself in the Sum of one thousand Pounds & Each of the Securities in the Sum of Five hundred Pounds Conditioned that he Shall and will well and truly Execute what by this Act he is Impowered & required to do in Relation to the Duties therein mentioned to pay the money arising thereby & render Accounts thereof as in & by this Act is directed

BE it further Enacted by the Authority aforesaid that the Said Mayor or Recorder of albaney who shall administer the afore mentioned Oath to the Said Commissioners or takes the above mentioned Recognizances of them Shall within Two months after the date thereof Transmit unto the Treasurer of this Colony the Said Recognizances as also a Certificate that Such oaths as aforesaid has been taken before him by the Said Commissioners, which Said Certificate and Recognizances are to be Lodged & remain in the Treasury

BE it provided & Enacted by the Authority Aforesaid that all Such Rum or other Distilled Liquors as by this Act are Subject & Liable to Pay the Sum of one Shilling on every Gallon & for which Such Duty Shall be actually paid or Secured to be paid in manner as Aforesaid, Shall during the Continuance of the Said Duty by this Act, be Exempted of the Duty of Excise laid by an Act Intituled an Act for Laying an Excise on all Strong Liquors retailed in this Colony passed in the Twelfth year of his late Majesties Reign the Said Act or any other Law to the Contrary thereof in anywise notwithstanding

BE it further Enacted by the Authority aforesaid that every Person and Persons Carrying Sending or Transporting any Strouds or other cloths to Oswego Oneida Cayouga Tusenzora,

Onandaga or Senikeas whether Sold or with intent to Sell the Same to the Indians or French Shall first Report & enter with the Commissioners aforesaid or one of them or one of their Deputies the full Exact & distinct Quantity thereof and at the Same time enter into a Recognizance to our Sovereign Lord the King with one or more Sufficient Surety or Sureties According to the Discretion of the Commissioner or Commissioners or his or their Deputy or Deputies to the Effect following that is to Say Memorandum on the.....day of.....one thousand Seven hundred & thirty.....then A B appeared before.....:one of the Commisissioners appointed by an Act of the General Assembly of this Colony for managing Securing & Collecting the Duties on Indian goods & Rum and did acknowledge himself indebted unto our Sovereign Lord the King his heirs & Successors in the Sum of Fifty Pounds Currant money of New York to be Levyed upon all his Lands and Tene-ments goods & Chattels & also.....appeared as afore-said and did acknowledge.....to be Indebted to our Sovereign Lord the King his heirs And Successors in the Sum of Fifty Pounds to be Levyed on all & Singular.....Lands & Tenements goods & Chattels on the Condition follow-ing.....that if the above said A B Shall on or before the.....Day of.....next pay or cause to be paid unto the above named Commissioners or one of them the full Sum of.....Currant money of this Colony as also that He shall not & will not at any time hereafter directly or Indirectly Defraud Cheat or abuse any Indian or Indians whatsoever in any kind or Sort of Deal-ing or trading with them Especially by mixing or knowing the Same to have been mixed or putting water or Other Small Liquor into any of the Rum He Shall Sell or Truck with them or any of them at oswego or Elsewhere and Shall not or will not wittingly or willingly hurt Injure or in any wise Personally abuse or misbehave himself towards any of the Said Indian or Indians then this Recognizance to be Void otherwise to Stand & remain in full Force.

AND be it further Enacted by the Authority Aforesaid that the Commissioners of the Said Duties Shall be & hereby are fully Authorized & Impowered to take the Several Recognizances as hereby directed to be taken before them & that Such Recognizance or Recognizances Shall be as good & Effectual in

Law as if the Same had been taken before any one of the Justices of the Supream Court in this Colony any Law or Practice to the contrary in any wise notwithstanding

AND for the more Effectual Securing of the Duties Imposed & Continued by this Act on Strouds Cloths Rum & other Distilled Liquors.

BE it Enacted by the Authority aforesaid that all Persons Sending Carrying or Transporting the Said goods or Either of them to Oswego besides Entering into Recognizance for the Duty thereof, take a Certificate from the Commissioners of the Said Duties or their Deputies, that the Duties is Secured of the Several Quantities and Species to be mentioned therein, which Certificate the Said Commissioners or their Deputy is hereby required to give, which Certificate or Certificates are to be Produced & delivered to the Commissary or to the Commanding Officer at Oswego for the time being, and if any Trader or any other Person Shall presume to Carry any of the Aforesaid goods without Such Certificate, or more than Shall be mentioned therein the Same Shall be forfeited to his Majesty his heirs & Successors one half thereof for the Benefit of the Said Commissary or Commanding officer or any other Person that Shall Seize the Same, and the other half to & for the use of the Said Trading house at Oswego, and it Shall & may be Lawfull for them or Either of them to make Seizure Accordingly & to dispose of the goods So Seized for the use above Mentioned.

AND be it further Enacted by the Authority aforesaid that the Said Commissioners & Each of them are Authorized and Impowered & are hereby Enjoyed & Required before He or they Grant such Licence to Administer an Oath unto every Such Indian Trader to the Effect following that is to Say I A B do Solemnly Swear in the Presence of Almighty God (or Sincerely & truly declare & affirm) That I will not henceforth at any time during the Continuance of my Licence & absence from home by my Self neither Shall my Agent Deputy Factor or Partner with my knowledge or connivance Sell or Truck or cause to be Sold and trucked to any Indian or Indians whatsoever any Unmerchantable Rum, nor will I directly or Indirectly by any ways or means whatsoever knowingly or willingly deceive defraud or Impose upon them or any of them by Selling any Unmerchantable Rum with whom I my Self or any one for me Shall hereafter buy Sell Truck traffick or any wise deal or trade So help

me God, which Said Oath the Commissary or Commanding officer is hereby required & directed to Administer to Every Trader coming to Oswego Except He produces a Certificate of his having already taken it and every Such Indian Trader is hereby enjoined & Required & Immediately before his receiving his Licence to Trade to take Such oath accordingly & if any Such Indian Trader or Traders Shall Afterwards be convicted by the oath of one or more Credible witness or Witnesses before the Said Commissioners or any of his Majesties Justices of the Peace for the County of Albany who are hereby Authorized & required to hear & determine the Same, of a willful breach of his Said oath he or They So Convicted Shall by warrant under the hand & Seal of the Said Commissioners or Such Justice of the Peace be Immediately Committed to the Common Goal of the Said County there to remain without bail or mainprise for the time of three months & be Intirely Incapacitated by himself or by any Agent or Agents directly or Indirectly to deal or Trade for the Space of two years after Such Comittment and Shall also forfeit the Sum of Twenty five pounds (over & above the Penalty of the Said Recognizance) one half to the Prosecutor & the other half to & for the use of the Said Trading House at Oswego to be Sued for & recovered before the Said Commissioners or any one of his Majesties Justices of the Peace for the Said County of Albany in manner aforesaid. And for the more Effectual Preventing of Selling unmerchantable Rum or adulterated or mixt with water to the Said Indians or any of them.

BE it Enacted by the Authority Aforesaid that from and after the Publication and during the continuance of this Act it Shall be Lawfull for the Commissary residing, or to reside at Oswego or in his absence for the Commanding officer there & the Said Commissary and Commanding officer are hereby required to Examine taste & prove once every week or oftener all the Rum that is or Shall be brought to Oswego, and if upon Such Examination or Examinations any Rum Shall be found that is not really good & merchantable the said Commissary or Officer is hereby required to Seize the Same and thereupon Immediately take to his Assistance two or more Credible Traders to Taste & prove the Said Rum so Seized & if they find the Same to be Adulterated or Unmerchantable they are to Certifie it under their hands & thereupon Such Rum being So Certified Shall be & hereby is declared forfeited & the Said Commissary or Command-

ing officer is hereby further Required Immediately & in the Presence of the Traders & Indians which Shall then be present to pour out on the ground or into the River or lake all & every drop of Such forfeited Rum whether the Same be in Cags or any other Vessell AND to the end that no unmerchantable Rum or other distilled Liquors be clandestinely or otherwise Sold to the Indians at Oswego, BE it Enacted by the Authority aforesaid that if any Indian or Indians Should during the Continuance of this Act complain to the Commissary or in his absence to the Commanding officer that any of our Traders have Sold or Delivered to Such Indian or Indians any Rum or other Distilled Liquors that has been Adulterated or is unmerchantable the Said Commissary or the Commanding Officer Shall be & hereby is Impowered & Required Immediately to taste prove & Examine the Rum or other Distilled Liquors so complained of as likewise all other Rum or other Distilled Liquors Sold to the Indians & Suspected to have been adulterated and finding the Same to be unmerchantable the Said Commissary or Commanding Officer is Immediately to Seize the Same & to proceed thereon in the Same manner as is above directed & being Certified by the Said Traders that the Rum or other Distilled Liquors so Sold or found is unmerchantable the Same Shall be Immediately poured out and destroyed in the manner as in & by the Said Clause is ordered and directed & the Trader or Traders who have Sold or delivered Such Rum or other Distilled Liquors Shall not only be & hereby are obliged to deliver unto the Indian or Indians, He or they Sold or Delivered Such ADULTERATED or unmerchantable Rum to a Like quantity of good & merchantable Rum or other Distilled Liquors in lieu thereof but likewise be Subject & Liable for Such Impositions to the Fine & Forfeiture herein mentioned.

AND to prevent the Eluding the foregoing clauses the General Assembly pray it may be Enacted And be it Enacted by the Authority Aforesaid that the Said commanding officer Shall from time to time permit the Said Commissary to Examine Taste & Prove all the Rum or other Distilled Liquors that is or Shall be in the Trading House at Oswego & upon Such Examination all the Rum or other distilled Liquors which Shall be found in the Same not to be really good & merchantable Shall likewise be & hereby is Declared to be forfeited & Such Rum is to be Destroyed & Proceeded against in the Same manner as in the Said last Clause is directed

AND for the more Effectual preventing the Adulterating of of Rum or other Distiled Liquors carryed to or Sold at Oswego. Be it Enacted by the Authority Aforesaid that the person or persons in whose Possession Such Adulterated or unmerchantable Rum or other Distiled Liquors as aforesaid Shall be found Shall Forfeit to his Majesty his heirs & Successors not only the full Sum of what Such quantity of merchantable Rum or other Distiled Liquors Shall then be Sold or Valued at Oswego but likewise to the further Sum of Thirty Pounds currant money of this Colony to be recovered & applyed in manner aforesaid

AND whereas it has been Represented to the General Assembly that Some of our People Trading to Oswego have & do Enter into Contracts with Foreigners Subjects to the French King to assist them in their Said Trade & as a Practice of that kind may of the one hand prove Ill consequence as it will on the Other hand deprive our own Traders of the Benefit They reap by the Said Trade

BE it therefore Enacted by the Authority Aforesaid that from & after the Publication of this Act & during the continuance thereof no person or persons whatsoever Shall be allowed or permitted to Trade at Oswego from the County of Albany or from any other part of this Colony but Such as one of his Majesties Leige Subjects & if any of the Said Subjects Trading to Oswego do Employ any Foreigner or Foreigners Subjects to the French King during the Continuance of this Act under the Colour of Brokers or Interpreters or on any other pretence whatsoever every Trader so Employing Such Foreigner or Foreigners Shall forfeit to his Majesty his heirs and Successors for every one He so Implies the Sum of one Hundred Pounds currant money of this Colony to be recovered by Bill Plaint or Information in any Court of Record within this Colony wherein no Essoyn Protection or wager of Law or any more then one Imparlance Shall be allowed one half of which forfeiture Shall be for the benefit of the Trading House at Oswego & the other half to the person that Shall Inform & Sue for the Same to Effect, and if any Such Foreigner Shall during the time aforesaid Presume to Carry any manner of goods wares or Merchandizes for Sale on his or their own Account to Oswego from the County of Albany or any other part of this Colony all the Said goods wares & merchandizes which Shall be so Carryed for Sale Shall be forfeited to his Majesty his heirs and Successors & be Recovered & Applyed

in the manner above Mentioned Provided allways that our own Traders being his Majesties Leige Subjects Shall be at Liberty to Employ their own Servants in & about carrying on their Trade to oswego without Incurring the Penalty Aforesaid any thing herein contained to the Contrary hereof in any ways notwithstanding

AND for as much as Several of the PERSONS going to Trade with the Indians at Oswego Imploy Indian Interpreters, whereby They have the Advantage to Engross a great part of the Trade there which ought to be of equal benefit to all the Traders in General

BE it Enacted by the Authority Aforesaid that if during the continuance of this Act any of the Said Traders Shall Imploy any Indian Interpreter at oswego, He or They so Imploying an Indian Interpreter there Shall forfeit for every Such Offence the Sum of Twenty Pounds currant Money of this Colony, to be Recovered and Applied in Manner as Aforesaid

AND for the more orderly managing of the Said Trade at oswego, Be it Enacted by the Authority Aforesaid that all Persons going to Trade with the Indians at oswego Shall fix their Hutts in Such place as the Commissary or in his absence the Commanding Officer Shall order & Direct and they are hereby Required not to fix them within one hundred yards of the Said garrison, & if any of the Said Traders Shall build or fix their Hutts in any other Place then is hereby Directed every person presuming to do the Same Shall forfeit the Sum of Ten Pounds to his Majesty his heirs & Successors, that when ANY Indians are Trading at oswego the Commanding officer for the time being do order one or more Centinels to prevent all & every of our Traders from useing any Manner of art or Compulsion to engage or forestall the Trade of the Said Indians & if any of the Traders Shall notwithstanding make use of any Such art or Compulsion every Such Trader Shall forfeit the Sum of Ten pounds that if any of the Traders Shall upon the appearing of one or more Canoes with Indians on the Lake go with his or their Canoe or other Vessell & Shall either Trade with Such Indians or take their Beavors or other Skins into Possession or hinder Such Indians from carrying Such Beavors or Skins into their own Hutts, all & every of the Said Traders who Shall use Such Anticipating or Compulsive meanes Shall forfeit the Sum of Twenty Pounds currant money of this Colony.

AND be it Enacted by the Same Authority that the Commissary or in his absence the Commanding Officer Shall Assign a place for the Indians to Fix their Hutts & that he use all Proper meanes to prevent the Indians from being Ill used or in any manner of way compeled to Trade or Act contrary to their own Inclinations and that They be at full Liberty to Trade for what & with whom they please

AND whereas at the Season of the year for breaking up the Indian Trade at Oswego most of the Hutts or Houses built at the expence and Labour of the Traders which have been left standing at their departure from thence & which are necessary for carrying on the Said Trade have before the Trading Season, the year following been almost pulled down & Destroyed by the rudeness & misbehaviour of Some of the Common Soldiers posted there, therefore to prevent Such Irregularities for the future the General Assembly pray that his Honour the Lieutenant Governour would be pleased to Order & direct the Officer posted there to forbid & prevent all & every Such Common Soldier & Soldiers under his command from committing Such outrages & offences under Such Penalty or Punishment as his Said Honour Shall Judge reasonable to Inflict on Such offenders & be it Enacted by the Authority aforesaid that if any other Person or Persons Shall burn or destroy any of the Said Trading houses, He or they Shall respectively for every Such Offence forfeit the Sum of Six pounds Currant money of this Colony to be recovered by any Person that Shall Sue for the Same before any Justice of the Peace within the County of Albany one half of the Said forfeiture to belong to the Person that Shall Sue for the Same The other half for & towards Supporting the Trading House at Oswego

AND be it further Enacted by the Authority aforesaid that Paschall Nelson shall and is hereby appointed Commissary for the Ensuing year to regulate the Indian Trade & Traders at Oswego during the Chief time of the Trade there, And it having been found by Experiance that the Said Commissary be appointed a Justice of the Peace, it has contributed very much to the well Regulating the Trade & Traders there, the General Assembly therefore pray that the Commissary hereby Intended to reside at Oswego, during the Season herein before mentioned may by a distinct Commission be appointed a Justice of the Peace at Oswego, and the district properly belonging to it and that he

may have the Sole Inspection Ordering & Regulating the Indian Trade & Traders there according to the Several Directions contained in this Act.

AND be it Enacted by the Authority aforesaid that for the two Last years the Commissioners of the Indian affairs at Albany Shall be & hereby are Impowered to Nominate & recommend yearly a Proper Person, to the Governour & Commander in Chief for the time being to be a Commissary at Oswego, during the Said last Two years, Which Said Commissary Shall be Appointed if the Governour or Commander in Chief thinks proper

BE it Enacted by the Authority Aforesaid that when the Said Commissary Shall so be appointed a Justice of the Peace He shall during all the time he is or resides at oswego have the Sole Inspection ordering & Regulating the Indian Trade & Traders who Shall be or come to that place & the district properly belonging to it according to the Several powers & Directions of this Act, and when any dispute Shall happen to arise there, between our Traders and the Indians Trading with them He Shall likewise have full power & Authority to hear & Determine the Same and his Judgment or Judgments to be given thereupon Shall be final (unless otherways provided by this Act) and Such Trader or Traders as Shall not be concluded thereby & comply therewith Shall forfeit unto his Majesty his heirs & Successors the Sum of Ten pounds Currant money of this Colony to be recovered in any Court of Record within this Colony by Bill plaint or Information wherein no Essoyn Protection wager of Law or more than one Imparlance Shall be allowed one half for the person that Shall Sue for & Prosecute the Same to Effect and the other half for Supporting the Said Trading HOUSE at Oswego and a Certificate of the Facts under the hand and Seal of the Said Justice of the Peace Shall in this case be allowed good & Sufficient proof, and it Shall & may be also Lawfull for the Said Justice to hear & determine differences between Trader and Traders, and if the Sum in Controversy do not exceed forty Shillings his Judgment thereupon Shall be Final & conclusive to the Parties, But if the matter in Difference exceed that Sum an appeal Shall Lye & be allowed of According to Law.

AND be it further Enacted by the Authority Aforesaid that neither the Commanding officer or any other officer Drummer or Private Soldier posted or to be posted at oswego nor the Com-

missary or Doctor residing there under pay or Sallary Shall Trade directly or Indirectly with the Indians at that place either on his or their account or on the accounts or for the use of any other Person or Persons whatsoever and if Such Commanding officer Commissary or Doctor or any of them Shall nevertheless presume to Trade with the Indians there he or they so offending Shall respectively forfeit the Sum of Fifty Pounds to his Majesty his heirs & Successors, and if any under officer Drummer or Private Soldier Shall presume so to Trade all the goods where-with he or they so Trade or have Traded for Shall be Immediately Seized by the Said Commissary Commanding Officer or any of the Traders & be forfeited to his Majesty his heirs & Successors to be recovered & applyed as herein after is Directed & if the Said Commissary or in his Absence the Commanding officer, Shall presume to comprmise any of the Offences against this Act whereby the Facts might be Stifled, He shall be Lyable and forfeit the Same fine or Penalty to which the Party is or was Subject to for the Offence So compromised or made up with him & Such making up Shall in no wise Exempt the offender from the fine or Penalty Incurred by him

AND be it further Enacted by the Authority aforesaid that all and every the Fines Penalties & forfeitures above mentioned and not otherwise Provided for by this Act, Shall and may be recovered by the Said Commissary or any other Person or Persons in any Court of Record within this Colony by Bill Plaint or Information wherein no Essoyn Protection Wager of Law or more then one Imparlance Shall be allowed, one half whereof to and for the use of the Person that Shall Sue for & Prosecute the Same to Effect and the other half to and for the use & Support of the Trading house at oswego.

AND be it further Enacted by the Authority Aforesaid THAT if the Said Commissary so Appointed & Intended to be Appointed to reside at oswego or any of the before named Commissioners or any other person or Persons Shall be Sued for what He or They Shall do in the Execution of this Act, He or they may plead the General Issue & give the Special matter in Evidence for his & their Excuse & Justification, and if the Plaintiff or Plaintiffs Shall become non-Suit discontinue or withdraw his or their Action or Actions or if a Verdict pass against him or them the Defendant or Defendants Shall recover & be allowed by the Court where Such Action or Actions Shall be brought

or Tryed his or their Treble Cost which He or they Shall have Sustained by reason of his or their wrongfull Vexation in Defence of Such Action or Actions, for which the Defendant or Defendants Shall have like remedy as in other Cases where Costs are given or allowed to Defendants

AND whereas the Six Nations of Indians have often as well in theid Publick Treaties as otherwise desired that no Rum might be carryed to their Country by reason it makes their Young men unruly and prevents their going to Hunt for Beaver & it being justly apprehended that the carrying Strong Liquors amongst them for Sale may one time or other be attended with very pernicious Consequences

BE it Enacted by the Authority Aforesaid that if any of the herein before mentioned Traders or any other person or persons whatsoever Shall Sell to the six nations of Indians in their Respective Countries (the Mohauks Country only Excepted) Shall for every Such offence forfeit the Sum of Twenty Pounds to his Majesty his heirs & Successors to be recovered upon the oath of any one Credible witness & applyed in the manner herein mentioned.

AND whereas the General Assembly being very desirous to Support the Said Trading House at Oswego & to Victual those Troops posted there in a good & certain manner have made a Contract or Agreement with Johan Joost Herkeemer Henry Renslaer Jun'r & John Harmanus Wendel in the manner following to wit that the Said Johan Joost Herkeemer Henry Renslaer Jun'r and John Harmanus Wendel for and in Consideration of the anual Sum of four hundred & Fifty Six Pounds Current money of this Colony have undertaken for the Term of three years to Commence (by Computation) from the first of November Last past to deliver timely & at proper Seasons at the Said Trading House at Oswego unto the Commanding officer posted there for the time being in every of the aforesaid years at the Sole cost & Charges of the Said Johan Joost Herkeemer Henry Renslaer & John Harmanus Wendel, the following quantities of Sound & wholesome Provisions which are Esteemed Sufficient to Victual the Troops posted or to be posted there for the Term of Fifty two weeks that is to Say.

WHEAT meal one hundred fifty Six bushells.

Pease one hundred & Seventeen Bushells

Indian Corn thirty nine Bushells

Pork three thousand two hundred & Twenty four Pounds.
Beef four thousand Eight hundred & Thirty Six Pounds
Rum one hundred & four Gallons
Sugar one hundred & four Pounds
and Candles of Eight & Ten in a Pound one hundred & four Pounds

And the Said Commanding officer is upon his receiving the Aforesaid Provisions in each of the Said three years to give a Certificate of the receipt thereof wherein is to be mentioned the particular quantities and Species & the time when the Same are So received with Certificates are to be Vouchers to the Said Victualers of their having performed Such part of their Contract

AND for the anual relief of the before mentioned Troops to consist of twenty five men & a Doctor They the Said Victualers are to furnish at the Town of Schanegtade at Such proper time & Season as the Governour or the Commander in chief for the time being Shall think fit to Order & Direct in each of the Said three years at their own proper Costs & charges the following Species and quantities of good Sound & wholesome Provisions (that is to Say)

Brown Biskett one thousand & fifty Pounds

Pease thirteen Bushels and a half

Pork Seven hundred & Fifty Pounds

and Rum twelve gallons out of which the Troops going up to relieve the others at Oswego are to be Subsisted at Schanegtade the Remainder to be carryed with them to Oswego & out of it to be taken so much as will Subsist the relieved Troops To Schanegtade & the Remainder (if any be) Left at Oswego of all which a Certificate is to be given by the Commanding officer in manner as aforesaid

That in case they the Said Victualers deliver any kind of Fresh meat at Oswego they are to be at the Sole cost and Charge to furnish cask to put it in & Salt to preserve & to cause the Same to be well preserved so that it may hold good & Sound a whole year & all other Provisions to be delivered by them or any of them to be good in there kind & keep good & Sound during the Said Space of time

That they will also Provide at their own proper Cost and charge Cags to put the Rum in & Baggs to Transport the meal Pease Corn Sugar & Bread to Oswego during the Said three years

That they will likewise Annually during The Said Three years furnish at their own Charge a Sufficient number of Battoes not only to Transport the Said Twenty Five men & Doctor together with their Baggage but likewise Provide two able men to assist in going to & coming from Oswego.

That they will also Anually during the Said Three years Provide at their own proper cost & Charges Waggon's to carry the Baggage of the Officer Soldiers & Doctor from Albany to Schanegtade and in like manner from Schanegtade to Albany when they are Relieved as aforesaid and also to find Sleds or other Carryages to Transport the Said Battoes & Baggage over the Carrying Places forward & Backward, allways Provided that the Soldiers march on foot between Albany & Schanegtade & over the Carrying Places.

That all other Cost & Charges which Shall arise or may be required to Transport the Aforesaid Provisions Men and Baggage either by Land or Water from Albany & Schenegtade to Oswego & back as Aforesaid Shall be altogether borne by the Said Victualers and paid by them

AND it is mutually agreed that in case either a Warr Should break out between the Crowns of GREAT BRITAIN & the most Christian King or That the Aforesaid Troops Should be withdrawn from Oswego before the Expiration of the Said Three Years then this Contract from thence forward Shall cease & determine whenever either of the Said Cases Shall happen and the Said Victualers are obliged either to give Bond with Sufficient Sureties or enter into Recognizance with the like Sureties for the due performance of all the particulars undertaken to be performed on their Parts.

AND for as much as it is Conceived that the Said Contract will fully answer the Ends proposed by it Be it Enacted by the Authority aforesaid that the Same & every part thereof Shall be & hereby is Ratified & Confirmed to all Intents & Purposes whatsoever and the Said Victualers are hereby required to enter into Such Recognizance as is before Mentioned before the Commissioners Aforesaid, (who are hereby Authorized to take the Same) within Forty days after the Publication of this Act.

AND in as much as Beef & Pork by its being Salted Looses considerably in its weight. Be it Enacted by the Authority Aforesaid that of Beef & Pork to be Issued weekly to the Troops at Oswego there shall be no more allowed than fifteen Ounces for every Pound

AND be it Enacted by the Authority Aforesaid that out of the Money to arise by Virtue of this Act there Shall be paid by the Said Commissioners before named without any other warrant unto abraham Gouverneur the Sum of Five pounds for his Service in drawing this Act whose receipt Shall be to them a Sufficient Voucher for the Same as if it had been paid into the Treasurer of this Colony AND be it further Enacted by the Authority Aforesaid that out of the money to arise by Virtue of this Act the Sum of Five hundred & Seventy Six pounds Shall be anually paid & applyed for the Term of Three years from the first day of November Last past to the first day of November which Shall be in the year of our Lord one thousand Seven hundred & forty, for the Uses & Purposes aforesaid in manner hereafter mentioned (that is to Say) To Johan Joost Herkeemer Henry Renslaer Jun'r & John Harmanus Wendel on the performance of the aforesaid Contract, the Anuall Sum of Four hundred & Fifty Six Pounds which Said Sum of Four hundred & fifty Six pounds is to be paid half yearly to the Said Contractors During the Continuance of this Act.

To a Doctor to Reside and attend on the Troops at oswego pr Annum a Sum not Exceeding the Sum of Forty Five pounds

To the Doctor for medicines for each year not Exceeding the Sum of Ten pounds

To Sundry Incidents a Sum not Exceeding the Sum of Twenty Pounds

To a Commissary for Inspecting & regulating the Traders at Oswego during the Trading Season there not Less than four months between the months of APRIL and August Inclusive Fifty Pounds which Several Articles do amount in all to Five hundred & Eighty one Pounds

AND be it Enacted by the Authority Aforesaid that the Treasurer of this Colony Shall out of the Moneys to arise by this Act, Pay & discharge all Such Warrants as Shall be Issued in Council by Virtue thereof to Such person or persons, as the same Shall be made Payable to by this Act and proper Receipts being endorsed thereon by Such person or persons Shall be good & Sufficient discharge in the Law to the said Treasurer for so much as Shall be mentioned & Expressed therein.

AND be it further Enacted by the Authority Aforesaid that of all the Several & Respective Sums of Money which the Said Treasurer Shall receive and Pay by Virtue of this Act, He shall

keep Exact & Distinct books & render true Accounts thereof upon Oath to the Governour for the time being to the Council & to the General Assembly, when by them or any of them thereunto required and that it Shall be Lawfull for him to retain in his own hands as a Reward for his Trouble & care therein, Six pence in every pound He shall receive & Pay by virtue of this Act

AND be it further Enacted by the Authority Aforesaid that if on the first day of November in this present year of our Lord One Thousand Seven hundred & Thirty Seven, there Shall remain any Overplus of the Moneys raised by the Duties Imposed by any Former Act of the General Assembly on the Trade of Oswego, the Same Shall be Employed for & Towards the Payment of the Charges in this Act before mentioned, and if it appears that there is any Deficiency, or that the Sums Imposed by the Said former Acts of the General Assembly, have not been Sufficient to Defray the Charges in the Said Acts Mentioned, the same are to be Supplied out of the Moneys as Shall arise by this Act any Law usage or Custom to the Contrary hereof in any ways notwithstanding

The Trading House at Oswego being in a very Ruinous Condition, and it being absolutely Necessary for the good of this Colony that it Should be put in good & Sufficient repair.

BE it Enacted by the Authority Aforesaid that the Commissioners for Securing the Duties by this Act Laid Shall Send proper Persons (as Soon as it can Conveniently be done) to Oswego to repair the Said House in Such manner as the Commanding Officer Shall think Necessary & Sufficient & Provide proper Materials to be Sent to compleat the Same, So that the Same be Finished before The End of the year one thousand Seven hundred & thirty Eighth and the Commissioners are hereby required & Directed to Pay out of the Moneys in their hands arising by the Said Duties a Sum not Exceeding Two hundred & fifty pounds for to Finish & compleat the Said Repairs, Which workmen so Employed to perform the Said Services, Shall not be Entitled to any Pay or reward until he produce a Certificate under the hand of the Commanding Officer of the Number of Days he has workt at the Said House or of what Service he has done, to Entitle him to the Reward he Demands & upon producing Such Certificate under the hand of the Commanding Officer as Aforesaid, the Said Commissioners are Required to pay the

Said Persons their Several Demands, Provided the whole do not Exceed the Sum of two hundred & Fifty pounds Aforesaid

AND whereas Rutger Bleeker hath detained in his hands the Sum of Thirty pounds for Services done Pursuant to an Act of the General Assembly Entituled an Act for Confirming the Acts therein Mentioned with Some Alterations & additions & of one other Act Entituled an Act for Continuing & Inforcing the Acts therein Mentioned, Which Services were Severally performed by the Said Rutger Bleeker Evert Wendel and Ryer Gerritsen.

BE it therefore Enacted by the Same Authority, that the Said Thirty pounds so detained as aforesaid by the Said Rutger Bleeker Shall be Equally Divided between the Said Rutger Bleeker Evert Wendel & Ryer Gerritsen for their Said Services and the Said Rutger Bleeker is hereby Required upon the Publication of this Act, To pay unto Evert Wendel the Sum of Ten pounds out of the Said Thirty Pounds and also Ten pounds unto Ryer Gerritsen out of the Said Thirty Pounds any Law to the Contrary hereof notwithstanding.

AND its Enacted that the Treasurer out of the first moneys that Shall arise by Virtue of this Act Shall apply Twelve pounds Ten Shillings thereof towards paying the Deficiencys of the Late Support, a like Sum having by mistake been drawn out of the Late Support for the use of Oswego.

AND be it further Enacted by the Same Authority that all Recognizances Entered into for Duties of Rum or Strouds by Former Acts Which may remain unpaid, are hereby Declared to be in as full force & Virtue to all Intents Constructions & purposes whatever notwithstanding the Expiration of the Acts whereby the Said Duties have been Imposed.

AND be it further Enacted by the Same Authority that if the Duties hereby appropriated for the Use herein before Mentioned, Shall at the Determination of this Act Exceed the Cost & Charge of the Supporting the Troops & House at Oswego, and the Contingencies attending the Same during that Time all Such overplus Shall be Employed for & Towards repaying the Money formerly borrowed from the Excise for that use, as by Act or Acts of the General Assembly hereafter to be Passed for that Purpose, Shall be Ordered & Directed, anything herein to the Contrary thereof notwithstanding

AND be it further Enacted by the Authority Aforesaid that this Act Shall be & Remain in force from the first Day of Novem-

ber in this Present year of our Lord one thousand Seven Hundred and Thirty Seven Until the first day of November Which will be in the Year of our Lord one thousand Seven hundred & Forty.

[CHAPTER 666.]

[Chapter 666 of Livingston & Smith and Van Schaack, where the act is printed in full. Chapter 666 of Van Schaack, where the title only is printed. Continued by chapter 745.]

An Act for Emitting Bills of Credit for the Payment of the Debts and for the better Support of the Government of this Colony, and other Purposes therein Mentioned.

[Passed, December 16, 1737.]

WHEREAS by the Decay of Trade & other Difficulties which this Colony has the Misfortune to have Laboured under, So Large a Deficiency has happened in the Funds granted for the Support of his majesties Government in & over the Same That not only the Salaries of the Officers But also the other Necessary Services thereof have been unpaid for the Space of Two years and upwards last past which this Colony in its present Circumstance with the Difficulties it still Labours under is unable to Discharge unless it be done by the means & in the manner herein after Mentioned, And in as much as there is Likewise a great want of a Medium as well to make Immediate payment of the Salaries & Services Aforesaid, as to Revive the Commerce Trade and Navigation of the Said Colony and to promote the Improvement and Settlement thereof

THE General Assembly humbly pray that it may be Enacted, and be it Enacted by his Honour the Lieutenant Governour the Council and General Assembly and it is hereby Enacted by the Authority of the Same, That bills of Credit to the Value of Forty Eight thousand three Hundred & Fifty pounds, Currant money of New York Shall FORTHWITH after the Publication hereof be Printed as follows viz't

One Thousand Bills each of the value of Ten pounds

Two thousand Bills each of the value of Five pounds

Three Thousand Bills each of the value of Three pounds

Four Thousand Bills each of the value of Two pounds

Five Thousand Bills each of the value of Twenty Shillings

Seven Thousand Seven hundred bills each of the value of Ten Shillings

and Ten thousand Bills each of the value of Five Shillings

Upon which Bills Shall be Impressed the Arms of the City of New York on the right Side of every of the Said Bills, and the Said bills Shall be in the form following, By a Law of the Colony of New York this Bill Shall pass Currant for..... December the Tenth one Thousand Seven hundred & Thirty Seven, Which Bills Shall be Numbered by James Alixander or Simon Johnson or Peter Schuyler or Peter Jay and Signed by any two of them and by the Treasurer or Loan Officer to whom by this Act the Said first Signers are Directed to deliver them

AND be it Enacted that the Said first Signers are hereby directed & Impowered upon the Delivery to them of the Said bills by the Printer thereof to administer to him, and he is hereby directed to take an oath or affirmation in the words following viz't. I A B do declare that from the time that the Letters were Sett and fit to be put in the Press for Printing the Bills of Credit now by me delivered to you until the Bills were Printed, and the Letters afterwards distributed into the Boxes, I went at no time out of the Room in which the Said Letters were without Locking them up, So as they could not be come at without Violence A False key or other Art then unknown to me, and therefore to the best of my knowledge no Coppies were printed of but in my presence, and that all the blotters & other papers whatsoever Impressed by the Said Letters whilst Set for Printing the Said Bills to the best of my knowledge are here delivered to you together with the Stamps and in all things relating to this Affair, I have well & truly demeaned myself according to the true Intent & meaning of the Law in that case made to the best of my knowledge & understanding

WHICH Printer at the time he has orders to print the Said bills Shall have a Coppy of this Oath, that He may govern himself Accordingly. PROVIDED always that if any unforeseen Accident has happened, He may have the Liberty of making an EXCEPTION thereof in his oath, He declaring fully how it was

AND if any more of the Said bills are printed than by this Act is Directed, when the Said James Alixander & Simon Johnson and Peter Schuyler & Peter Jay or any two of them have Signed the Number hereby directed to be Issued they Shall Immediately burn and destroy all the Remainder.

AND be it Enacted by the Authority Aforesaid, That Charles Le Roux or Such other Person as the major part of the Said

first Signers of the Said bills of Credit will agree with, Shall Engrave According to the Directions he shall receive from the Majority of the Said first Signers Twenty Eight Stamps for the Sides of the Said bills, and Shall deliver them to the Treasurer, who Shall in the presence of the Majority of the Said Signers, deliver them Together with the Ten Stamps for the Arms of the City of New York in his Custody, Unto John Peter Zenger upon his Receipt for the Same, and when the Said John Peter Zenger has finished & Compleated the Printing the Quantity & Sorts of Bills hereby Directed to be Struck & Issued, He Shall redeliver the Said Stamps to the Said Signers & Treasurer who are hereby Obligated to Seal them up with their Several SEALS and they are so to remain in the Treasury, until they Shall be Ordered to be made use of by any future Act of Assembly and the receipt of the Said Treasurer to the Said John Peter Zenger Shall be a Sufficient discharge for such Redelivery, But in case of the Death or Inability of the Said John Peter Zenger to print the Said Bills, Then the Majority of the Said Signers Shall appoint another Printer for the Service aforesaid in his Place

BE it also Enacted that before the Said Signers do Receive any of the Said Bills, They Shall before any of the Magistrates of the City of New York Each of them take an oath well & truly to perform what by this Act they are Enjoined, as their Duty, & will knowingly Sign no more bills of Credit than what by this Act is directed

AND be it Enacted that the Said first Signers Shall out of the Bills of Credit by them Numbered & Signed as aforesaid, Deliver to the Treasurer of this Colony the Sum of Eight thousand three Hundred & fifty pounds in Said Bills to be by him paid out as by this Act is directed, and the Remainder to the Loan Officers herein after mentioned on Producing the Certificates or Qualification hereinafter in the Sums and Quotas following to witt

To the Loan Officers of the City & County of New York to & for the purposes herein after mentioned the Sum of Ten Thousand Pounds

To the Loan Officers of Kings County to & for the Purposes herein after mentioned, the Sum of Two Thousand four hundred pounds

To the Loan Officers of Queens County to & for the Purposes herein after mentioned the Sum of Six thousand Pounds

To the Loan Officers of Suffolk County to & for the Purposes
herein after Mentioned the Sum of Three thousand Pounds

To the Loan Officers of Richmond County to & for the Purposes
herein after Mentioned the Sum of Sixteen hundred Pounds

To the Loan Officers of West Chester County to & for the purposes herein after Mentioned the Sum of Four thousand Pounds

To the Loan Officers of Dutchess County to & for the purposes herein after Mentioned the Sum of Two Thousand pounds

To the Loan Officers of Orange County to & for the Purposes
Herein after Mentioned the Sum of Two thousand pounds

To the Loan Officers of Ulster County to & for the Purposes
herein after Mentioned the Sum of Four thousand Pounds

To the Loan Officers of the City & County of Albany to & for the Purposes herein after Mentioned the Sum of Five thousand Pounds.

FOR which respective Sums the Said Treasurer Shall give his receipt, and the Loan Officers respectively Shall give Receipts to the Said first Signers Endorsed on the Clerks Certificate & other Qualification herein after directed, Which receipts Shall be to the Same first Signers their Executors & Administrators a Sufficient Discharge, if otherwise They have well & truely performed the Duty Enjoined them by this Act

AND be it also Enacted that before the Said Loan Officers do Respectively enter upon their Said office, Every of them Shall give Bond to his Majesty his heirs & Successors with Such Sufficient Security as Shall be approved of by any three or more of the Justices of the Peace of the City or County Quorum unus together with the Majority of the Supervisors of the Same County, Signified by Signing Such their Approbation on the back of the Said bond, which bond Shall be in the full Sum by this Act committed to his Charge with condition for the True & faithful performance of his office & Duty, and that without favour Malice or Partiality, PROVIDED allways that the Approbation of any three Justices Quorum unus & any three of the Supervisors of the County of Suffolk Shall be Sufficient in that County

AND be it Enacted that each Loan officer respectively SHALL take the following Oath or Affirmation I A B will according to the best of my Skill & knowledge, Faithfully Impartially & truly Demean my Self in Discharge of the Trust committed to me as one of the Loan officers for the _____ of _____ by the Laws of this Colony in that behalf made according to the Purport true Intent & meaning of the Said Laws, So as the publick may

not be Prejudiced by my consent privity or procurement, which oath or Affirmation Shall be administred by any Justice of the Peace and Endorsed on the back of the Said Bond & Signed by Such Justice & the Loan Officer.

AND be it Enacted that the Aforesaid Bond Endorsed with the Approbation & affidavit or affirmation Aforesaid Shall be Lodged with the Clerk of the County who upon Lodging thereof with him Shall give the Loan Officer a Certificate, that Such Bond endorsed as aforesaid is Lodged with him, which Certificate is to be Delivered to the first Signers as Aforesaid, on their delivering to him the bills of Credit aforesaid, which Bond & Endorsement Shall be Recorded by the Clerk, and in case of the forfeiture of the Same Bond the Majority of the Supervisors with any three of the Justices of the County are hereby Impowered to order the Same to be put in Suit and the moneys recovered by Virtue thereof Shall be applied to the use of THE County on Consideration of the Counties making good the Deficiencys of the Borrowers, in the Same as in this Act is hereafter Directed, PROVIDED allways that in the City & County of New York the Justices and Vestrymen of the Same City & County, Shall have all the Powers by this Act given to Justices & Supervizors in the other Counties of this Colony, Which Justices & Vestry men of the City & County of New York, Shall also perform all the Duty's & Services & be Lyable to all the pains penalties & Forfeitures which the Justices & Supervizors of the other County's are to perform and be Subject to by Virtue of this Act and in case of any Deficiency of the Borrowers, They Shall cause Such Deficiency to be Assessed Levied and raised in Such manner as They Assess Levy & Raise the Tax for Minister & poor.

AND be it Enacted by the Authority Aforesaid that on the first Tuesday of February next, the Justices & Supervizors of the Respective Citys & County's of this Colony Shall meet at the Court house of the County, where the Majority of the Supervizors with the Concurrence & approbation of three Justices one whereof to be of the Quorum, Shall Elect & chuse two Sufficient Freeholders of the Respective City's & County's to be Loan officers for the Same City or County, and in case the Supervizors Shall be Equally Divided IN their Votes the majority of the Justices Present Shall determine the Choice in favour of that Person whom they Shall think Proper.

AND be it Enacted by the Authority Aforesaid that the Vestrymen of the City & County of New York, & Supervizors of the

Several County's of this Colony, Shall at every of their meetings with the Justices Directed by this Act, in the first place take an oath or affirmation before any Justice of Peace in the words following I A B will according to the best of my Judgment & knowledge, well and truly Execute the Trust Reposed in me by an Act of the General Assembly of this Colony, Intituled an Act for Emitting bills of Credit, for the Payment of the Debts, and the better Support of the Government of this Colony, and other purposes therein Mentioned, and that without any favour malice or Partiality

AND be it Enacted by the Authority Aforesaid that the Loan Officers of Each of the City's & County's aforesaid respectively when Elected Appointed & Qualifyed according to the Directions of this Act Shall be Bodys Politick & Corporate in fact & in Law, that is to Say.

The Loan Officers for the City & County of New York Shall be one body Politick & Corporate by the Name of the Loan Officers of the City and County of New York

THE Loan Officers for Kings County Shall be one body Politick and Corporate by the name of the Loan Officers of Kings County

The Loan Officers for Queens County Shall be one Body Politick & Corporate by the name of the Loan Officers of Queens County

The Loan officers for Suffolk County Shall be one Body Politick and Corporate by the name of the Loan Officers of Suffolk County

The Loan Officers for Richmond County Shall be one body Politick and Corporate by the name of the Loan officers of Richmond County

The Loan Officers for West Chester County Shall be one body Politick and Corporate by the name of the Loan Officers of West Chester County

The Loan Officers for Dutchess County Shall be one body Politick and Corporate by the name of the Loan officers of Dutchess County

The Loan Officers of Orange County Shall be one body Politick and Corporate by the name of the Loan Officers of Orange County

The Loan Officers of Ulster County Shall be one body Politick and Corporate by the name of the Loan Officers of Ulster County

The Loan Officers of the City & County of Albany Shall be one body Politick & Corporate by the name of the Loan Officers of the City & County of Albany

WITH full power to Every of the Said bodies Politick to use a Common Seal, and by the Same Seal and in the name of Such BODY politick to grant receipts Receive Mortgages & again to grant the Same away, to Sue & be Sued, and generally with all Such Powers as are necessary to be used for the due Execution of the Trust reposed in the Said Loan Officers by this Act, any Law useage or Custom to the contrary in any wise notwithstanding

AND be it Enacted by the Authority aforesaid that when the Said Loan Officers Respectively have Qualified themselves as above in this Act is Directed, they Shall receive the Said bills of Credit Signed by two of the four Signers first named as aforesaid, Which bills the Loan officers Respectively Shall devide betwixt them, and each of them Sign his Dividend thereof, Which bills of Credit So Signed by Two of the four first Signers herein before named & by one Loan officer, Shall be Let out to Such as Shall apply for the Same & can & will give Security to the Said Loan officers by mortgage on Lands Lotts Houses or other valuable Improvements Lying in the Same City or County. They the Said Loan Officers first giving publick notice (as in other Cases by this act directed for Notices) by advertisements Set up That on a Certain day at least Ten days after Setting them up, They will be ready to Receive borrowers qualified according to the Directions of this Act. And as on that day Borrowers do offer their names & Sums they demand Shall be orderly Entered down in the Minute book of proceedings, and every one Shall be Served according to the Priority of their Demand, if reasonable objections BE not against the Title & Value of the Lands offered to be Mortgaged or Some other Sufficient Reason which Shall be Entered also in the Minute book of Proceedings

PROVIDED always that if upon the first day So many borrowers do offer as to demand a greater Sum than the whole Sum in that County to be Lent out, then & in that case every Such borrower Shall be Abated of the Sum he demanded proportionably.

AND Be It Enacted that the Said Loan officers Respectively before they accept of any Lands Lotts Houses or other Improvements in Mortgage for any of the Said bills, They Shall first view what is so offered in Mortgage or make due Enquiry into the Value thereof and then Shall examine the Titles thereto, by Peruseing the Deeds Patents Surveys & other writtings & conveyances by which the Same is held & by which the Value & quan-

tity may be the better known, and the Said Loan officers respectively are hereby also Impowered and Required to administer to all Persons applying for any of the Said Bills as aforesaid the following oath of affirmation if Quakers to witt

I A B am Bona fide Seized in Fee Simple of the Lands Tenements & hereditaments by me now offered to be Mortgaged in my own right & to my own use, And the Same were not convey'd to me in trust for the use of any Person nor with intent to borrow any SUM or Sum's of money upon the Same for the use of any other person or persons whatsoever, and the Premises are Free and Clear from any other or Former Gift Grant Sale Mortgage Judgment Extent Recognizance or other Incumbrance whatsoever to my knowledge Except the Rent Issueing thereout to our Lord the King

AND be it Enacted by the Authority aforesaid That the Loan Officers of the Said Citys and Countys respectively upon finding borrowers Qualified & the Said Loan Officers being Satisfied as Aforesaid, are hereby required & by Virtue of this Act have full Power to lend out the bills delivered to them as aforesaid at the Interest of Five per Cent per annum for the Term of Twelve years from the third Tuesday of April next to come in Sums not Exceeding one hundred Pounds and not under Twenty five pounds (Unless the Proportion as aforesaid, be Less) to any one person, the Said Loan officers takeing Security for the Same by way of Mortgage as aforesaid, of at Least Double the Value in Lands Tenements and hereditaments & of at Least three times the Value in houses within the Said respective Citys & Countys, & administering an oath or Affirmation to the borrower as Aforesaid, & the Said Mortgage Shall be Executed before two or more Lawfull witnesses Signing thereto & the Substance thereof Shall be minuted in a book to be by the Said LOAN OFFICERS kept for that purpose in Each respective City & County for the making of which mortgage and minute the Borrower Shall Pay to the said Loan officers the Sum of four Shillings & no more which Mortgage & minute Shall be & each of them are hereby declared to be matter of Record & an attested copy of the Said mortgage if in being or of the Said Minute in case the mortgage is Lost, under the hands of the Loan officers & Seal of the Loan office, Shall be good Evidence of the Said Mortgage in any Court within this Colony.

AND be it Enacted by the Authority aforesaid that the Interest of the money Lent as Aforesaid Shall be Payable yearly

on the third Tuesday of April to the Said Loan Officers, & the Principals of all the Moneys Lent out as aforesaid, Shall be paid in again in manner following that is to Say one fourth part of the Principal money on the third Tuesday of April which will be in the year of our Lord one thousand Seven hundred & Forty Seven one other fourth part thereof, on the third Tuesday of April one thousand Seven hundred & Forty Eight one other fourth part thereof on the third Tuesday of April one thousand Seven hundred & Forty nine, and the remaining fourth part thereof, on the third Tuesday of April one thousand Seven hundred & Fifty, and the respective Loan officers at the Lending of the money are hereby required TO take the Security for the Same Accordingly, and the Said Loan Officers for Every Sum paid to them, Shall give to the Payer a Receipt & Shall also enter one minute of the Same Payment on the back of the Mortgage & another Minute thereof in the Book of Accounts by them to be kept & that without any Fee or Reward but if the Borrower his heirs Executors or Administrators Shall See cause to Pay in a fourth or a half or three quarters or the whole of the Principal due, to the Said Loan Office on any third Tuesday of April before the Said Third Tuesday of April in the year of our Lord one thousand Seven hundred & Forty Seven, the Said Loan Officers are hereby Impowered & Required to receive the Same on that Day & no other Day of the year, unless so many do offer Payment on that Day that the Loan officers cannot within the Day receive the whole, and in that case They are to continue to Receive untill all that on that day Offered have paid in the Moneys so Offered, and unless he brings along with him another Sufficient Borrower to give new Security to the Sattisfaction of the Loan Officers for the whole of the Money by him paid in, & in that case the Loan Officers Shall accept thereof on any of their Stated days of meeting, and when the whole Principal & Interest is Paid the Said Loan Officers Shall if required, give the Party Paying a Release of the Mortgage given by the Borrower, & shall tear of the name & Seal and make an Entry in the Margine of the Mortgage AND in the Margine of the Minute made thereof, that Such a day & year Such Release was made for which Release the Releasee Shall pay the Sum of two Shillings & no more, and when any Parts of the Principals are paid in as aforesaid before the Said third Tuesday of April one thousand Seven hundred & Forty Seven, the Loan officers Shall at the End of that meeting com-

pute the Sum of the whole Principals so paid in, and give publick notice of the Sum by advertisements Set up & that on that day week They will be ready to receive borrowers of the Said moneys to whom the Said Loan Officers Shall Lend the Same out, and in the Lending & taking Security Shall conform themselves (as near as the Circumstance of the case can admitt) to the Directions herein before prescribed and if any money Still remains in their hands for want of Borrowers, They shall Set up Advertisements of the Sum thereof, and continue to do the Like at the End of Every of their Stated meetings

AND be it Enacted that in case any Loan Officer Shall Die or remove or Neglect Delay or Refuse or Omitt performing the Duty Required or Enjoined him by this Act, or Shall behave himself in his Office with favour affection Partiality or malice whereby the Publick or any private person may be Injured, upon report or complaint made thereof to any three Justices Quorum unus of the Respective City or County to which he belongs The Said Justices are hereby required and commanded to Issue out their precepts to call Together the Justices & Supervisors of the Same County, to meet at Such time and Place as in the Said Precept Shall be appointed to hear & Determine Summarely upon the Said report or Complaint and upon Sufficient proof made to any three of the Said Justices Quorum unus with the Major part of the Said Supervisors of any Death removeal failure or neglect in the Said office as Aforesaid, then & in that case the Said Majority of the Supervisors with concurrence of three Justices one whereof to be of the Quorum Shall Proceed in manner as herein before Directed to Elect & chuse & are hereby required & commanded to Elect & chuse a Loan Officer in the Room & Stead of Such Deceased or absent Person or Omitter or Defaulter, which Loan Officer so chosen as Aforesaid having Entered into Bond & been Qualified in like manner as other Loan Officers are by this Act Directed, Shall then have all the Powers Previledges & advantages & be Subject to all the pains penalties & forfeitures which any of the Loan Officers of the County Elected as aforesaid are vested with Intitled to charged with or Subject to by virtue of this Act

AND be it Enacted that if any of the Loan Officers here after to be Elected & appointed by Virtue of this Act Shall at any time hereafter desire to be Discharged of & from the Said office, He applying himself TO any three Justices Quorum unus for that Purpose, They Shall upon that Application Issue their precept to

Summon the Justices & Supervisors to meet at a Place & Day by the Said precept prefixed, To whom when met the Said Loan Officer Shall produce or render an Account of his proceedings in his Said office & if it appear upon Examination that the Said Loan officer hath faithfully Demeaned himself in the discharge of his Said office According to the true Intent & meaning of this Act, Then and in Such case Such Loan Officer, Shall by the Majority of the Supervisors with the Concurrence of three Justices Quorum unus be discharged of & from his Said office and another fitt Person Shall by them be Elected & Appointed to Supply his Place, who Shall take the Same oath or Affirmation give the like Security be under & Subject to the like penalties Restrictions and Regulations and receive the Same Salaries & advantages whatsoever as the other Loan Officers for that County by Virtue of this Act

AND be it Enacted by the Authority Aforesaid that when a Loan Officer Shall be Chosen & Qualified, as herein is Directed in the place of a former Loan Officer Such former Loan Officer his Executors or administrators Shall upon Demand deliver to the New Loan Officer chosen in his place & Qualified as Aforesaid all the moneys Books & Papers that were in Such former Loan officers Custody belonging to his Office upon Oath before ANY Justice of the Peace and in case any Such former Loan Officer or his Executors or Administrators Shall deny delay or refuse to make Such delivery on Oath when Demanded as aforesaid, the Bond of Such former Loan Officer Shall be forfeited

BE it also Enacted that if any Borrower Shall neglect to bring in & Pay or cause to be brought in & Paid yearly & every year on the Third Tuesday of April or within Twenty two days there after, on one of the Days which the Loan Officers aforesaid are by this Act Directed to Attend the respective Loan Offices the yearly Interest Due by his Mortgage and also the part of the Principal as it becomes Payable then & in either of these Cases, the Loan Officers to whom Such Mortgage was Granted Shall be Seized of an absolute Indefeazable Estate in the Lands houses Tenements & hereditaments thereby Mortgaged to them their Successors and Assigns to the uses in this Act mentioned, and the Mortgager his or her heirs & Assigns Shall be utterly foreclosed & barred of all Equity of Redemption of the Mortgaged Premises, any Law useage or custome or Practice in Courts of Equity to the Contrary notwithstanding

BE it further Enacted that the Said Loan Officers respectively SHALL attend the Loan Office every Year to receive the moneys by this Act directed to be paid in to them upon the third Tuesday of April & thereafter on the Tuesday in Each week for the Term of three Weeks.

AND be it Enacted that the Said Loan Officers Shall in the Evening of the Last of the Tuesdays aforesaid yearly & every year give Sufficient Directions which they are to take care Shall be observed for fixing up Advertisements at three of the most Publick Places in at Least three or more Distinct Towns or Precincts of the County where the Premises are Scituate, of all the Lands contained in the Mortgages whereof the Equity of Redemption is foreclosed as aforesaid describing the quantity & Scituation of the Same and that on the Last Tuesday of May in the Same year they are to be Sold at the Court house of the Respective County where the Lands Lye by way of Publick Vendue to the highest bidder.

BE it likewise Enacted that the Loan Officers of the Respective City's & County's aforesaid Shall on the Said last Tuesday of may yearly Expose the Lands (in the Mortgages foreclosed as aforesaid) to Sale by way of Publick Vendue, and upon Sale Shall convey them to the highest bidder or bidders, who shall pay for their Deeds five Shillings, & the buyer or buyers Shall & may hold & Enjoy the Same for Such Estate as they were SOLD Clearly discharged & Freed from all benefite & Equity of Redemption and all other Incumbrances made & Suffered by the mortgagor his or her heirs or assigns & Such Sale Shall be available in Law & Equity

AND Be It Enacted that the money or Price for which the Premises are Sold Shall upon the Sale thereof be paid to the Said Loan Officers out of which they Shall retain in their hands what has not been paid in of the whole Principal Lent together with the Interest that has become due thereon and might become due until the Third Tuesday of April next thereafter as also the Expende of the Advertisements & of the Sale, the Same not Exceeding fifteen Shillings, & the remainder if any be the Loan Officers Shall Pay to the Mortgager his or her heirs & Assigns

PROVIDED always that if a person offers at the time of the Sale to borrow (on Sufficient Security within this Act) the whole principal that is to be retained out of the price and Lent out again then & in that case the Loan officers Shall not retain Interest beyond the Day of Sale

PROVIDED also that if the buyer Incline to be the borrower of the Principal or Principals that is or are to be paid in by him & Lent out again, and if the Loan Officers be Sattisfied of the Security to be given by him in manner aforesaid, He Shall be **PREFERED** to any other borrower

PROVIDED likewise that the Loan Officers Shall not be obliged to take notice of any Assigns of the Mortgagor unless they Enter a Notice of their Right with the Said Loan Officers at or before the time of Sale which notice the Loan Officers Shall Enter on the Mortgage & minute thereof on demand and the Assignee paying one Shilling for the Same and Assignees Shall be preferred according to the priority of their Entrys of Such Notices

AND be it Enacted that after any Lands houses Tenements or hereditaments are mortgaged according to the directions of this Act, If it Shall appear to the Loan Officers upon good & Sufficent grounds (which they Shall Incert in the Minute book of their Proceedings) that the Mortgagor had no good right or Title to the Premises Mortgaged or has otherwise broke the Covenants of his Mortgage, So that the Publick may be in Danger of Loosing the Moneys or any part thereof advanced on Loan upon the Credit of the Premises, It shall and may be Lawfull to & for the Said Loan Officers, and they are hereby Impowered & Required to commence an Action or Actions of Debt or Covenant upon the Said Mortgage against the Mortgagor his or her heirs Executors or Administrators & the Same to prosecute to judgment in any Court of Record for the recovery of the whole moneys Lent upon the Said Mortgage & Interest become Due & that Shall become Due until the Third Tuesday of April next following the judgment with Costs & Charges by all Lawfull ways & means whatsoever, in which Action or Actions the Mortgagor Shall be held to Special bail & the Court in which Such Action is brought is & the Judges thereof in the Vacation are hereby Authorized & Directed to give Such Short days for the Rules of Pleading therein, that judgment or a Tryall and Final determination may be had the first Court after the Court at which the Defendant first appeared to the Same Action & Such Action Shall be brought (if the Defendant be found within this Colony) in the County where the Cause of Action arises

AND be it Enacted that the aforesaid bills of Credit to be made & Issued by Virtue of this Act, when Signed by any two of the first Signers aforesaid, and the Treasurer or one Loan

Officer, Shall be & Continue Current for & during the time & Space of Twelve years From the third Tuesday of april next to come between man and Man but Shall be received by the Said Treasurer & Loan officers for Six months thereafter

AND be it further Enacted by the Authority aforesaid that the bills of Credit appointed by this Act, to be Current when Signed as aforesaid Shall be received by the Treasurer of this Colony, in all Publick payments & for any Fund at any time in the Treasury & by any Person within this Colony in all cases whatsoever during the time They are Enacted to Continue, and be as Effectually current as any other bills of Credit, made currant in this Colony by any Act of the General Assembly of the Same, And any person Refusing to take them in payment During the time hereby Appointed for the Said bills to be Current for any Sum due or here after to become due or for any contract already made or hereafter to be made, or for any Consideration whatsoever for any Effects or Services already delivered or performed or hereafter to be delivered or performed, Shall be Lyable & is hereby made Lyable & Subjected to all the penalties & forfeitures Contained in any or all the Acts of the General Assembly of this Colony, at any time Enacting & Enforcing the Currency of Bills of Credit as fully to all Intents constructions & Purposes whatsoever, as if the words of all or any of the Acts aforesaid Relating to the Bills of Credit or Enacting and Enforcing the Currency of the Bills of Credit in them mentioned had been particularly Exprest or Transcribed & herein & hereby Enacted

AND be it further Enacted that if any Person or Persons whatsoever Shall presume to Counterfeit any of the bills of Credit made Current by this act or Shall alter any of the Said Bills made Current as aforesaid so that they Shall appear to be of greater Value than by this Act the Same bill or bills so altered were Enacted Signed or Numbered to pass Currant for, or Shall knowingly Pass or give in Payment any of the bills Aforesaid so counterfeited or Altered, every person guilty of Counterfeiting or altering any of the Said bills as aforesaid or of knowingly passing or giving in Payment any Such Counterfeit or Altered bills Shall be guilty of Fellony & being thereof Convicted, Shall Suffer the pains of Death without the benefit of Clergy, and tho Such Counterfeiting altering or knowingly passing counterfeit or altered bills Shall be done out of this Colony, yet any Grand Jury within this Colony is hereby Impowered to present the Same & to Set forth in the Indictment the place where by their

Evidence it appeared that the fact was Committed, which Indictment is hereby Declared good notwithstanding that the place alledged be out of this Colony, and the petty Juries on the Tryals of all Such Forreign Issues Shall be returned from the Body of the City & County of New York, any Law useage or Custom to the contrary notwithstanding.

AND be it also Enacted that the Respective Loan Offices in this Colony Shall be kept at the Court house of Each respective County or at Some other convenient place near the Same, & the Said Loan Officers Shall so Soon as the Said bills are Signed & Delivered to them Set up advertisements of the first Day of their attending the Loan office for the purposes herein before mentioned and Shall Duely attend the Same on that first day & on every Tuesday & Wednesday in each week for the Space of four weeks thereafter if there be occasion for their Sitting so Long, and the first Signers aforesaid as Soon as they can fix the day upon which they can Deliver the Said bills to the Loan officers Shall Send notice by Letters to them to come & receive the Same bills at that Day

AND be it Enacted that the Loan officers respectively Shall retain in their hands So much of the Interest moneys paid into them as will pay them their Respective Salaries appointed by this Act, and the Remainder of the Said Interest moneys Shall be annually paid into the Treasurer of this Colony on or before the fourth Tuesday of the Month of June & the Said Treasurers Receipt Shall be to the Said Loan Officers & every of them their heirs Executors & administrators a Sufficient Discharge

AND be it further Enacted that the yearly Salaries of the Loan Officers aforesaid for the Services Required of them by this Act Shall be as follows to witt.

For Every of the Loan Officers of the City & County of New York Twenty pounds

For Every of the Loan Officers of Kings County Seven pounds Ten Shillings

For Every of the Loan Officers of Queens County Twelve pounds

For Every of the Loan Officers of Suffolk County Eight pounds

For Every of the Loan Officers of Richmond County Six pounds ten Shillings


For Every of the Loan Officers of West Chester County ten pounds

For Every of the Loan Officers of Dutchess County Seven pounds

For Every of the Loan Officers of Orange County Seven pounds

For Every of the Loan Officers of Ulster County Ten pounds

For Every of the Loan Officers of the City & County of Albany Twelve pounds

AND be it Enacted by the Authority Aforesaid that the Supervisors & Justices of the Several County's of this Colony Shall on the first Tuesday of June, which will be in the year of our Lord one thousand Seven hundred & thirty nine & yearly thereafter on the first Tuesday of June meet Together with the Said LOAN Officers at the Court house at the County & the Majority of the Supervisors with any three of the Justices Shall carefully Inspect and Examine the Mortgages minutes & accounts of the Loan Officers, to find whether they have been in any way faulty or negligent in their offices, and if they find So then to chuse others in their Places as aforesaid, when also if any Deficiency has happened by a borrowers not having Right to the Lands mortgaged or by the Selling thereof for a Less price than what before is Mentioned or any other way whatsoever then They the Said Supervisors or the Majority of them with the Concurrence of three Justices Quorum unus Shall cause all such Deficiencies to be Assessed & Levyed of the County as other County charges so that the whole of Such Deficiencies be paid in to the said Loan Officers by the Third Tuesday of April then next following, which Supervisors or the Majority of them with the Concurrence of any three Justices Quorum unus Shall also upon the first Tuesday of June one thousand Seven hundred & Forty Seven and on the first Tuesday of June of Each of the three next following years Examine the Bills then before paid in as part of the Principals in order to be Cancelled and also the Accounts thereof which accounts & bills being carefully Examin'd & Inspected The bills Shall be cancelled by Laying Some number of them orderly one above another & cutting a Triangle from the upper Side of them whose base may be Nearly the Length of the Bills & whose vertex may Extend towards the Middle of the Lower Side of the bills Leaving the Number of the Bills Intire & as much as is Convenient of the Signers names and both Ends of the Bills joined which Pieces Seperated will appear in this form  and all the bills aforesaid being So cut the Triangles Cut out Shall be burned & Destroyed in the presence of the Said Justices & Supervisors & the Ends of the Said bills Joined as aforesaid Shall be

carefully put up, Tyed & Sealed with the Seals of the Said Justices Supervisors & Loan officers, and the Sum in Each bundle & the day and year the Same were Cancelled with the name of the County Endorsed thereon & a Certificate of the Said Justices & Supervisors of the Sum of the bills so cancelled Shall be Sufficient for the Loan officers to Account with the General Assembly on that affair & which bundles so Tyed & Sealed as aforesaid Shall be by the Said Loan officers Delivered to the Treasurer at the time they Deliver to him the Interest moneys of that year which Treasurer shall give his Receipt for the Same Mentioning therein the Numbers Sums & marks Endorsed on the Bundles & Shall carefully preserve them in order that They may be Inspected by the General Assembly & Compared with the Certificates aforesaid of the Justices & Supervisors if need be and if any Suspicion Should thereafter arise of fraud or of Counterfeits that the Same may be Detected and Such Course taken therein as to the General Assembly Shall Seem meet, and the Said Treasurer Shall keep an Exact Account of the Bundles He so receives of the Sums markt on Each Bundle from what County and when received with other marks thereof & Lay a Coppy of the Same Account before the General Assembly from time to time at their meetings

AND be it Enacted by the Authority aforesaid that in case three of the Justices Quorum unus & a Majority of the Supervisors Aforesaid Shall not meet on the first Tuesday of February next to come or in case they shall not meet yearly on the first Tuesday of June or in case they Shall not meet when Summoned by a Precept of three Justices whereof one to be of the Quorum for the Several purposes in this Act Mentioned Every of them in either of these cases that are absent Shall forfeit the Sum of three pounds and the Justices then Attending Shall Issue their Precept to one or more Constables to Summon the Justices & Supervisors to Attend that Day week for the Purposes aforesaid under Double the penalty aforesaid which Each neglecting then to attend if Duely Summoned Shall also forfeit, th'o a Sufficient number do appear, and in case a Sufficient number do not then appear the Justices appearing Shall proceed in like manner from week to week till a full number of Justices & Supervisors do appear to perform the Duty for which they before ought to have met and in case the Said Supervisors or vestry men or Either of them When a majority of them are met Shall neglect or Refuse to take the oath or Affirmation herein

prescribed or Neglect or refuse to do the Duty Enjoined them by this Act when met or Shall on any pretence whatsoever on the Day of their Anual meeting neglect or omit the Causeing to be Assessed Levyed & raised the whole Deficiencys that have happened by any of the means aforesaid Every of them neglecting their Duty herein Shall forfeit to his Majesty the Sum of Five pounds, all which penalties before in this Clause mentioned are to be Recovered in any Court of Record within this Colony one half to the use of Such Justices & Supervisors of the Same County Endeavouring to perform their Duty herein who will Sue & Inform against the rest & prosecute their Suit to Effect & the other half to be paid to the Treasurer & applyed towards Cancelling the bills of Credit in Such manner as Shall be Directed by Act or Acts of the General Assembly & in Case none of the Justices & Supervisors aforesaid Shall within three months after Such forfeitures Sue and Inform against the rest or Shall by Coven or Collusion Delay prosecuting their Said Suit to Effect then every of the Said Justices and Supervisors are hereby Declared to be guilty of the Same Neglects and every of them Shall forfeit the Like Several Penaltys & forfeitures as the other Justices & Supervisors whom they ought to have Sued & Informed against to be recovered by any Person or Persons who will Sue for the Same in any Court of Record within this Colony one third part thereof to the use of the Prosecutor with Costs and the other two thirds to be paid to the Treasurer & to be applyed by act of Assembly towards Cancelings the Bills of Credit.

PROVIDED always that if the Majority of the Supervisors of any County upon the first Tuesday of February next or at their first meeting in pursuance of this Act Shall be of Opinion that no part of the Said bills Shall be taken for their County then and in that case they Shall not be obliged to chuse any Loan officers according to this Act nor Subject to any forfeiture for the not doing thereof

AND be it Enacted that all and every the Sums of money which may at any time afterwards be recovered by the Loan officers Aforesaid of Such persons as have been the Occasion of Such Deficiencys as aforesaid Shall be Applyed to the use of Such County & the Justices & Supervisors are hereby Impowered to take all Lawfull ways & means in the name of the Said Loan officers to Recover the Same.

AND be it further Enacted by the Authority AFORESAID that it Shall and may be Lawful for the Said Loan officers to Let out upon Loan any of the Said bills of Credit in Such manner as they Shall think best upon Security of good Plate to be delivered to them at Six Shillings per ounce to be paid in again to the Said Loan Officers on the third Tuesday of April then next with a years Interest at five per Cent for the Same & in case of non payment at any of the two first Stated Days of meeting of the Loan Officers, then the Said Loan officers are to Sell the Same plate in Such manner and upon the Same Day as they are Directed to Sell the Lands of the Mortgages forfeited as aforesaid and they are to return the Overplus to the owner if any be after Payment of the Principal & Charges with Interest past & to come until the Third Tuesday of April then next to come unless a borrower offers at time of Sale as in case of Lands herein before mentioned any thing in this Act to the Contrary notwithstanding

AND be it Enacted that if any of the Said moneys Shall remain in the hands of the Loan officers four weeks after the first day of Letting it out for want of borrowers it Shall be Lawfull to them to Let out the Same on good Security by Mortgage of Lands in the County or on plate as aforesaid to any persons who will borrow the SAME in any Sums th'o they be upwards of one hundred pounds

BE it Enacted by the Authority Aforesaid that if any of the bills of Credit Shall remain four weeks over & above the four weeks aforesaid, that is to Say in all Eight weeks in the hands of the Loan Officers for want of borrowers after the first day of Letting out as aforesaid then and in that case the Said Loan Officers or one of them by the consent of the other to be Entered & Signed in the minute book of proceedings, Shall carry it to the Loan Officers of the next County or Countys where there were more moneys demanded in Loan, than there were moneys to Lend, and deliver it to the Loan officers of Such next County upon their Receipt for the Same & their Entering a Memorandum of it in the minutes of their proceedings, which Loan Officers to whom Such Sum is brought Shall accept thereof and Shall Set up advertisements thereof & therein assign a Day in the next week for borrowers to offer & Shall proceed in the Lending this further Sum in their County as nearly as the Circumstance of things can admit in the like manner as they proceded in Lending the first Sum, of which Transposition of those moneys

the Loan Officers of the Severall County's Shall give notice in writting Signed by them to the Treasurer at the time of their Paying to him the first Interest moneys thereafter of which Notices to him He shall enter Memorandums in his Books of Accounts the better to Ascertain the Interest he is to receive yearly FROM the respective Countys & the Principal Sums that the Countys are finally to cancel.

AND to prevent frauds that may happen by Executors or administrators in their non payment of any part of the money borrowed as aforesaid by their Respective Testators or Intestates, BE it Enacted that if any person or persons that Shall become borrowers of the bills made Currant by this Act, and Shall Afterwards make his her or their Last will & Testament in due form of Law, thereby Devising the Premises so Mortgaged to any other person or persons Leaving Personal Estate Sufficient to Pay his or her Debts with an overplus not otherwise in the Said Will disposed of, and not Expressly providing in other manner by the Said Will, in Such case it Shall be understood, that the Devisor intended that the mortgage money in arrear at the time of his Death Should be paid out of his personal Estate & his Executor or Executors Shall be Accordingly compelled to pay the Same thereout in aid of Such Devisee or Devisees But in case the Said last will was made before the Premises were Mortgaged, Then it Shall be understood that the Testators Intent was (unless otherwise Expressed in Such will) that the Devisee or Devisees Should pay the Residue of the Mortgage money in Arrear at the time of Such Testators Death, and in case any Executor or Executors CONTRARY to the Intent of this Act having Effects Sufficient Shall permit a Sale to be made of the Premises Mortgaged Such Devisee or Devisees may Immediately have his her or there Action Either in Proper Person or by Guardian or next friend, if under age against Such Executor or Executors & recover Double the Damages Sustained with Costs of Suit, And in Case any Executor or Executors Shall in Such Case be a Purchaser of the Premises so Mortgaged or any other in trust for him or for his use He or they Shall be Deemed Seized of the Premises for the Use of the Devisee or Devisees & Such Executor or Executors and their Trustees are hereby Disabled from making any Conveyance thereof from Such Devisee or Devisees and if any such Conveyance is made the Same is hereby Declared Fradulent & void against Such Devisee or Devisees

AND be it Enacted that in Case any Mortgagor Die Intestate the Mortgage money Aforesaid or any part thereof being in arrear & unpaid & Leaving personal Estate Sufficient to Pay his Debts with an overplus, his heir at Law being under age when any part of the Said Mortgage money Shall become Due, in Such Cases the Mortgage Moneys Shall be paid out of the Personal ESTATE if Sufficient & the Profits of the Premises mortgaged Shall be Applied towards Repayment of the Said Moneys To Such person or persons as may be Intitled to the Same, where it So happens that the part of the Personal Estate coming to the Said heir at Law is not Sufficient to Discharge Such Mortgage and in Case the Profits of the Mortgaged Premises Shall not be Sufficient to make Such Repayment, the heir at Law Shall be Compelled to make it up with Interest when he She or they come of Age

AND where any Sales Shall happen to be made pursuant to the Tenor of this Act after the Death of the Testator or Intestate because of the Deficiency of the Personal Estate of the Testator or Intestate, his or her heirs or Devisees being then under age, in Such Case the Moneys arising by Such Sale after the Deduction of the Principal Interest & Costs due to the Loan office, Shall be placed out at Interest by the Executors or Administrators for the benefit of Such heir or Devisee or Persons Intitled to Such Lands

AND be it Enacted by the Authority Aforesaid that if any County of this Colony Shall neglect or refuse to chuse Loan officers who WILL accept of the office & Qualify themselves according to the Directions of this Act, on the first Tuesday of February next or within Eight weeks thereafter or if no Loan Officers come to the Said first Signers from any particular County of this Colony, to receive the Quota of bills for that County Appointed by this Act on the Day to be appointed as Aforesaid by the Said first Signers for that purpose or on or before the fourth Tuesday in April next, Then & in that Case the Said first Signers Shall deliver that Quota to the Loan Officers of any other County or County's desiring the Same to be Lent out as aforesaid, And the Salary appointed for the Loan Officers of the County refusing the bills as aforesaid Shall be Divided amongst the Loan officers of the Countys Accepting in Proportion to the Bills they receive

AND be it Enacted by the Authority aforesaid that the Borrowers may pay their Interest & Principals in any of the Bills

of Credit of this Colony or in Silver or Gold or Lyon Dollars and the Treasurer & Loan Officers Shall accept thereof, in Lieu of the bills made Currant by this Act, and Exchange them for the bills hereby made Currant with any person who Shall desire the Same And in Case any of the Principals Shall by this means remain UNCANCELLED in the Countys on the first Tuesday of June one thousand Seven hundred & Fifty, the Loan officers Shall Deliver the Gold Silver & Dollars and other bills in their hands in Lieu of the Bills made current by this Act, to the Treasurer to be by him Exchanged for the bills made Current by this Act, & to be Cancelled afterwards in Such manner as Shall by Act of Assembly be prescribed

AND be it Enacted by the Authority Aforesaid that the Treasurer of this Colony after He has Received the Sum of Eight Thousand three hundred & Fifty pounds in bills of Credit herein before Directed to be Delivered to him by the first Signers as Aforesaid Shall Duely Sign all the Same bills & Shall thereto add the Sum of Five hundred & Twenty nine pounds thirteen Shillings & Seven pence farthing now in his hands Arisen by the Late Support Act, over & above the Sum of Two thousand Pounds in Bills of Credit Ready to be Sunk & Shall thereto also all the Sum of Twelve pounds Six Shillings which he is to take out of the first Moneys of the Oswego fund that comes to his hands, Out of which three Sums together Amounting TO the Sum of Eight thousand Eight hundred & ninety one Pounds nineteen Shillings & Seven pence farthing. The Treasurer Aforesaid Shall Pay the Sums following to witt

To the Executrix of the Late Governour Cosby or her assigns for the remainder of his Salary until the Tenth of March one thousand Seven hundred & thirty five, the Sum of Eight hundred & Twenty two pounds fourteen Shillings & nine pence half penny

To the President for his Salary from that time to the Thirtieth of October one thousand Seven hundred & Thirty Six, the Sum of Nine hundred & ninety five pounds nine Shillings & Ten pence half penny

To the Lieutenant Governour for his Salary Due from thence to the first Day of September Last, one thousand three hundred & one pounds fifteen Shillings & four pence

To the Chief Justice for Two years Salary Ending the first Day of September Last Six hundred Pounds

To the Second Judge for his Salary During the Said time
Three hundred Pounds

TO the Secretary & Clerk of the Council for his Salarys During the Said time, one hundred & Twenty Pounds

To the Searcher for his Salary During the Said time Eighty Pounds

To the Printer for his Salary During the Said time one hundred Pounds

To the Land & Tide waiter for his Salary During the Said Time Sixty Pounds

To the Gauger for his Salary during the Said time Sixty Pounds

To the Door Keeper of the Council for his Salary During the Said time forty Pounds

To the Indian Interpreter for his Salary & Expresses During the Said time, one hundred & Eighty Pounds

To the Commissioners of Indian Affairs for the Same time three hundred & Sixty pounds

For fire wood & Candles for the Fort of New York until the thirteenth of June one thousand Seven hundred & Thirty Eight Eight hundred Pounds.

For Repairing Fortifications until the time Last above four hundred Pounds

For Presents to the Indians until the Same time Eight hundred Pounds

FOR Voyages to Albany until the Said time three hundred Pounds

For Firewood & Candles for the Garrisons in Albany until the thirteenth of June one thousand Seven hundred & thirty Seven four hundred Pounds

To the Clerk of the Assembly for three Sessions Ending the third of May last Fifty one Pounds Twelve Shillings

To the Door keeper of the Assembly for the Same time Twenty three Pounds Six Shillings

To Stephen Delancey for Samuel Baker Twenty pounds Twelve Shillings, being for a ballance Due to him on account of the opposition made to the Sugar Collonys Act of Parliament by the Order of the General Assembly.

To John Dehoneur Seven pounds nineteen Shillings & four pence being for ye Expences of a Committee of the Late Assembly upon the bill for Regulating Fees

For Chairs & a Table for the Council Room fourteen pounds
 To the Printer for printing the bills of Credit hereby made
 Current the Sum of thirty five Pounds

To the Engraver for Twenty Eight Stamps fourteen Pounds

To the Printer for Printing the Books of blank mortgages and
 for binding the Same & for the Paper and binding of the Sev-
 eral other books for the Loan officers the Sum of Thirty Pounds

To John Peter Zenger for Printing the Votes during this Ses-
 sions of the General Assembly & for printing the Acts and
 Delivering a Compleat Sett thereof & a Set of the Votes to the
 Governour and each of the Members of the Council and Assem-
 bly & a Sett of Acts to the Treasurer & Each of the County
 Clerks & for a Coppy of this Act and of the Act, for Facilitating
 & Explaining the Duty of the Loan Officers to Each Loan Office
 And to the Clerks of the Supervisors & County Clerks and for
 Printing proclamations, & what Shall be Ordered more by the
 Government & Assemblys Fifty pounds for one year from the
 first day of September Last.

To the Clerk of the General Assembly for his Services during
 this Sessions of Assembly Such Sum as shall appear to be
 Ordered to him by the General Assembly by a Certificate under
 the hand of the Speaker.

To the Doorkeeper of the Assembly for his Services during
 this Sessions of Assembly Such Sum as Shall appear to be
 ordered to him by the General Assembly by a Certificate under
 the hand of the Speaker

For purchasing the Statutes at Large & the Votes of the house
 of Commons for this year, and for every year hereafter as they
 are Published & for purchasing the Acts of Assembly of Every
 English Colony in America now Extant & as they Shall here-
 after be Published to be & remain for the use of the General
 Assembly of this Colony & to be paid for by the Treasurer &
 Sent for by him with the Advice & Consent of the Speaker of the
 Assembly & the Members of New York for the time being or any
 three of them Fifty Pounds

To the Serjeant at Arms three pounds

To William Bradford for a Book of Acts of the General Assem-
 bly of this Colony, for the use of ye Assembly twenty Eight
 Shillings.

And the Remainder of the Said Sum of Eight thousand Eight
 hundred & ninety one pounds nineteen Shillings & Seven pence
 farthing, Shall remain in the hands of the Treasurer for &

towards the Support of his Majesties Government of this Colony, from the first Day of September Last to the thirty first Day of December in this present year to be paid to Such Persons & in Such manner as by a future Act of Assembly Shall be Directed & not otherwise, and the SUPERPLUS if any be Shall in like manner be applyed for and towards the future Support of this Government by act as aforesaid and not otherwise.

AND be it Enacted by the Authority Aforesaid that the Sum of Two hundred & ninety pounds five Shillings & one penny due from Sundry Countys of this Colony in part of the three thousand Six hundred pounds Tax Lay'd by an Act past in the year one thousand Seven hundred & Twenty Six when recovered & Paid to the Treasurer of this Colony according to the Directions of an Act of the Assembly hereafter to be past for that purpose Shall be applyed to the Sinking & Cancelling So much of the Said Sum of Eight thousand three hundred and Fifty pounds in bills herein before mentioned to be Delivered to the Treasurer

AND be it Enacted by the Authority aforesaid that the remainder of the Said Sum of Eight thousand three hundred & Fifty pounds Delivered to the Treasurer as aforesaid, Shall be Sunk & Cancelled with so much of the Interest moneys that Shall be paid to the Treasurer by the Loan Officers as herein before is Directed at Such time & in Such manner as by Act or Acts of the General Shall be appointed, & the rest of the Said Interest Moneys Shall be from time to time Applyed for & towards the Support of the Government of this Colony in Such manner as by ACT or Acts of the General Assembly Shall be provided & not otherwise

AND be it Enacted by the Authority aforesaid that if any Person Shall falsely Swear or Affirm in any of the Cases where an Oath or Affirmation is required to be taken by this Act or Shall willfully & knowingly act contrary to the oath or Affirmation he has before taken, Such offence is hereby Declared to be Perjury & the offender being convict thereof Shall Suffer all the pains & penalties of Perjury which by the Laws of Great Britain can be Inflicted

AND be it further Enacted that all Judges & Justices in this Colony Shall, and They are hereby Directed to construe this Act most favourably for the Prosecutor and most Strongly against the Offender, and Shall allow him or her, no Essoyn protection or wager of Law, nor any more than one Imparlance, and Shall Endeavour the Execution of this Act According to the true

Intent & meaning thereof notwithstanding the want of apt words to Express the Same, and if mischiefs Should happen which may affect the Publick or any Private Person, or the Credit of the Bills made Current by this Act, against which no Remedys are Expressely provided by this Act, but if there happen to be Remedy's therein Against like mischiefs, They the Said Judges & Justices Shall construe & Extend the like remedys to & for The Like mischiefs according to the Intent & meaning of this Act any Law useage or custome to the Contrary notwithstanding

AND be it Enacted that the first Signers of the Bills Shall preserve one Coppy of Each Impression of the Bills hereby made Current, upon which They Shall Remark how the Bills are Numbered, and shall Deliver those Coppies to the Treasurer to be carefully preserved for the better discovery of Counterfeits, if any Should happen to be made of the Said Bills, any thing herein Contained to the Contrary notwithstanding.

[CHAPTER 667.]

[Chapter 667 of Livingston & Smith, where the act is printed in full. Chapter 667 of Van Schaack, where the title only is printed. See chapter 666.]

An Act to facilitate & Explain the duty of the Loan officers in this Colony

[Passed, December 16, 1737.]

Be it Enacted by the Lieutenant Governour the Council & the General Assembly & it is hereby Enacted by the authority of the Same That for the greater uniformity in the Securities to be taken in the Loan offices for the money to be Lent by virtue of an act of the General Assembly of this Colony Entitled an act for Emitting bills of Credit for the payment of the Debts & for the better Support of the Government of this Colony & other purposes therin mentioned, The Mortgages for the money by vertue of the Said act Lent Shall be in the form following viz.

THIS INDENTURE made the.....day of.....
in the.....year of the Reign of our Sovereign
Lord George the Second by the Grace of God of Great Brittain
ffrance & Ireland King Defender of the ffaith &c Annoq Domini
One thousand Seven hundred and.....Between
.....of the County of.....of the one part and
the Loan officers of the Said.....of.....of the
other part WITNESSETH That the Said.....for
and in Consideration of the Sum of.....by

the Loan officers of the.....of.....to
him well & truly in hand paid whereof he grants the receipt
& acknowledgeges himself to be therein Contented and for him-
self his heirs Executors & Administrators Releases & Discharges
the Loan officers of the.....of.....and
their Successors thereof for ever HATH GRANTED BAR-
GAINED SOLD RELEASED ENFEOFFED and Confirmed and
by these presents Doth Grant bargain Sell Release Enfeoff and
Confirm to the Loan officers of the.....of.....&
their Successors & assigns for ever ALL THAT.....
.....
.....
.....
.....
.....
.....
.....Together with all and all manner of
woods underwoods trees mines Minerals Quarries haukings hunt-
ings fowlings fishings buildings fences Improvements heredita-
ments & appurtenances whatsoever to the Same belonging or in
any ways appertaining And all the Estate right title Interest
possession property claim & Demand of the Said.....
and his heirs to the above bargained Premises and Every part
thereof TO HAVE & TO HOLD the above bargained premisses
to the Loan officers of the.....of.....
their Successors & assigns for ever, To the uses & purposes men-
tioned in an act of the General Assembly of this Colony past in
the Eleventh year of the Reign of King George the Second Entit-
uled An Act for Emitting bills of Credit for the Payment of the
debts and for the better Support of the Government of this
Colony & other purposes therein mentioned AND the Said
.....for himself his heirs Executors & Admin-
istrators Does Covenant Grant bargain & agree to and with the
Loan officers of the.....of.....and
their Successors That at & before the time of the Ensealing &
Delivery hereof He the Said.....Stood Law-
fully Seized of the above bargained premisses of a Good Sure
perfect absolute and indefeizable Estate of Inheritance in the
Law in fee Simple And that the Same then were free & Clear
of all former & other Gifts Grants bargains Sales Leases
Releases Judgments Extents Recognizances Powers Entails &
other encumbrances in the Law whatsoever PROVIDED
ALWAYS and these presents are upon this CONDITION That

if the Said.....his heirs Executors Administrators or Assigns do pay or Cause to be paid to the Loan officers of the.....of.....the Interest at the rate of five per Cent of the Said principal Sum of.....on the Third Tuesday of Aprile yearly for.....years after the date hereof AND if the Said.....or his aforesaid Shall pay to the Loan officers of the.....of.....the one fourth part of the Said principal Sum of.....on the Third Tuesday of Aprile which will be the year of our Lord One thousand Seven hundred and forty Seven AND one other fourth part of the Said principal Sum with three fourth parts of a years Interest of the Same upon the Third Tuesday of Aprile One thousand Seven HUNDRED and forty Eight And one other fourth part of the Said principal Sum with One half of a years Interest of the Same on the Third Tuesday of Aprile One thousand Seven hundred and forty nine And the Remaining fourth part of the Said principal Sum with One fourth part of a years Interest of the Same On the Third Tuesday of Aprile One thousand Seven hundred and fifty According to the true Intent & meaning of the Said act of General Assembly Then the above grant bargain & Sale & Every article and Clause thereof Shall be void But if failure be made in any of the payments above mentioned Then the above bargain & Sale is to remain in full force & vertue AND the Said.....for himself his heirs & assigns Doth agree to be absolutely barred of all Equity of Redemption of the Premises within twenty two days after Such failure AND the Said.....for himself his heirs Executors and Administrators Does Covenant Grant bargain promise & agree to and with the Loan officer of the.....of.....and their Successors well and truly to pay to them all and Every of the Sums of money above mentioned at the times on which the Same ought to be paid as aforesaid AND that the above bargained premises upon the Sale thereof pursuant to the Directions of the Said act will yield the principal & Interest aforesaid remaining unpaid at the time of Such Sale and untill the third Tuesday of Aprile next after the day of Sale Together with fifteen Shillings for the charge of Such Sale IN WITNESS WHEREOF the parties to these present Indentures have Interchangeably Sett their hands & Seals the day and year first above written

Sealed and Delivered in the Presence of

AND Be it Enacted by the authority aforesaid That William Bradford Shall print twenty five hundred Coppies of the Said Mortgages and bind So many of them into a book together with Six Leaves of Clean paper for an Alphabet for the use of the Loan office of Each County that there may be a Mortgage for Every twenty five pounds of bills of Credit given to the Loan office of that County And the number remaining he Shall give in Loose Sheets in the Like proportion to Each of the Loan offices, in order therewith if there Should be occasion to give attested Coppies of the Original Mortgages to the buyers of any of the Mortgaged Lands Which books together with the Said Loose Sheets are to be Delivered by the printer to the first Signers of the bills by them with the bills to be Delivered to the Loan officers of Each County

AND BE IT ENACTED that no Mortgages Shall be taken in the Loan offices but by filling up one of the blanks of the Said book of Mortgages,—None of them Shall be Defaced nor torn out, Except the Seal when the Mortgagor pays off the whole principal & Interest of the Mortgage and the Loan officers Shall proceed in the takeing of the Mortgages from the beginning of the book forward Numbering the Mortgages as they are taken & Inserting the Mortgagors name & Number in the Alphabet under the Letter answering the Mortgagors Surname

BE IT ENACTED That the printer Shall also bind up ten books of Clean paper one for the use of Each Loan office And to Contain about two third parts of the bigness of the book of Mortgages for the Same County to be Delivered as aforesaid with the book of Mortgages

BE IT ENACTED that the Loan officers Shall in one End of the last book Minute the Substance of Every Mortgage to witt the Number thereof the date the Mortgagors name the Sum Lent & the boundarys of the Lands Mortgaged And when the one Loan officer has the Custody of the book of Mortgages the other Shall have the Custody of this book that fire or other Accidents which may happen may be guarded against, And the printer Shall make an Alphabet to it Like to that of the book of Mortgages, And to prevent any Deception of the Mortgagor he Shall Examine or See the Minute Examined with the Original Mortgage and he with the witnesses Shall Sign to the Same

AND BE IT ENACTED That the Loan officers beginning at the other End of the Said book Shall insert the minutes of their proceedings therein to witt

1st the Days they met, place, house, & Loan officers present

2 If any is absent Shall the next time minute the Cause of his absence

3 Shall Enter the hour that Every one Demands the Loan of money & the Quantity he Demands

4 Shall Enter down the Reason why a Prior Demander had not the money according to his Demand and the Substance of Examinations for Clearing of titles & value

5 Shall Enter down the moneys received from the first Signers of the bills & the moneys Delivered to or Received from the Loan officers of another County and the Day when with Coppy of the Notice thereof to be Delivered to the Treasurer, And when that Notice was Delivered to the Treasurer and by whom

6 The Last day of their four days of meeting for receiveing of moneys yearly they Shall Enter whose Mortgages are foreclosed & the Numbers & Sums of them

7 Shall Enter the Orders for & Coppys of the Advertisements of Sale & places at which they were to be Set up & persons names that are too Set them up

8 Shall Enter the buyers name of Lands and price Sold for & payment of the Overplus to whom it belongs with the time & witnesses of Such payment

9 In Case any principals or part thereof are paid in before the times of payment in the Mortgages, The Totals of Such principals so paid in Shall be Entered in this book with Coppy of the Advertisement of Lending out again And On the day of Demand advertized, the names of the Demander thereof, And they Shall proceed in that case as before

10 Shall Enter the Cause of all Suits & the Informations they have received & of whom & how at Length Or if too Long referr to them in papers apart Minuting the Substance

11 Shall Enter their Meetings with the justices & Supervisors & persons present together with the Minutes of all acted with them particularly what were the Deficiencys Laid before them, what was Resolved on for the Assessing & Levying them, Who for Assessing them, Who for Neglecting or delaying it, What bills were Cancelled, & the Numbers & Sums of the bundles thereof

12 Every other thing remarkable that has any Relation to their office & not otherwise directed about, Shall be Entered in the Minute book of their proceedings Except their accounts

AND BE IT ENACTED That the Printer Shall also bind up other ten books of Clean paper One of them for the use of Each Loan office about two thirds of the bigness of the book of Mortgages for the Same County to be Delivered as aforesaid with the book of Mortgages

BE IT ENACTED that therein Shall be Entered all the accounts of the Loan office, That at the beginning There Shall be an Alphabet wherin Shall be Inserted Every mans name, & the Leaf wherein his account STANDS, And that this book be kept in the fairest & best Method that the Loan officers can, And its to Remain in the Custody of him who has the Minute of the Mortgages & proceedings

AND BE IT ENACTED That the deeds to be granted by the Loan officers for any Lands to be Sold by them Whereof the Equity of Redemption is foreclosed Shall be in form following to witt THIS INDENTURE made the Last Tues-day of May in..... year of the Reign of our Sovereign Lord George the Second by the grace of God of Great Brittain ffrance and Ireland King Defender of the ffaith &c Annoque Domini One thousand Seven hundred and.....Between the Loan officers of.....of.....of the one part and.....of the other part WITNESSETH That the Loan officers of.....of.....for and in consideration of the Sum of.....to them in hand paid whereof the grant the Receipt and Discharge the Said.....his heirs Executors and Administrators thereof for ever HAVE Pursuant to an Act of the General Assembly of this Colony Entitled An Act for Emitting bills Credit for the payment of the Debts and for the better Support of the Government of this Colony & other purposes therein mentioned Granted bargained Sold Released Enfeoffed and Confirmed and by these presents Do grant bargain Sell Release Enfeoff and Confirm unto the Said.....his heirs and Assigns All that.....

[illegible]

Together with all and all manner of woods underwoods Trees
 mines Minerals Quarries hawkings huntings fowlings fishings
 fences Improvements hereditaments & appurtenances whatso-
 ever to the Same belonging or in any wise appertaining And all
 the Estate right title Interest Claim possession property and
 Demand whatsoever of the Loan officers of.....
 of.....and their Successors to the above bar-
 gained premisses and Every part thereof TO HAVE AND TO
 HOLD THE above bargained premisses and Every part thereof
 with the appurtenances to the Said.....his heirs
 and Assigns to the Sole and only proper use benefite & behoof
 of the Said.....his heirs and Assigns for ever
 IN WITNESS whereof the Loan officers of the.....
 of.....have hereunto Set the Seal of their
 Corporation Together with their hands the Day and year above
 written

SEALED AND DELIVERED

in the presence of

To which Deed the Loan officers are to put only one Seal as
 the Seal of the Loan office, & Jointly take off the Seal from the
 wax & all Sign their names

AND Be it Enacted that upon every Sale of Lands the Loan
 officers Shall fill up one of the Loose Sheets of blank Mortgages
 Like to the Original Mortgage and attest the Same as a true
 Copy under their hands & the Seal of the Loan office, And give
 it instead of the Original Mortgage for Evidence of the title of
 the buyer

AND the bond to be Entered into by the Loan officers Shall
 be in form following viz

KNOW ALL MEN by these Presents that We
 are held and firmly bound unto our most Gracious Sovereign
 Lord George the Second by the Grace of God of Great Brittain
 ffrance and Ireland King Defender of the ffaith &C in the Sum
 of.....to be paid unto our most gracious
 Sovereign Lord the King and his Successors to the which pay-
 ment well and truely to be made and done we bind our Selves
 our heirs Executors and Administrators & Every of us and them
 Jointly and Severally firmly by these presents Sealed with our
 Seals and dated the.....day of.....
 in the.....year of his Majestys Reign Annoque
 Domini One thousand Seven hundred and.....
 The Condition of the above Obligation is Such That if the above

bounden.....Shall well and truly PERFORM the office and Duty of one of the Loan officers of the..... of.....and Shall Demean himself therein without favour Malice or partiality Then the above Obligation to be void Otherwise to Remain in full force and virtue
SEALED AND DELIVERED in the presence of

AND BE IT ENACTED and Declared That in case of the forfeiture of Such bond as aforesaid, the Suit thereon Shall be Staid On the Defendants paying Or Tendering in Court to pay the Damages arisen by the breach of the Condition of the bond Sued with the Costs to that time And if Judgment be had thereon, A jury Shall Enquire of the Damages according to the form of the Statute in that case made and provided

AND BE IT ENACTED that for the better Satisfaction of the Loan officers as to the title and value of what is offered in Mortgage by borrowers the Loan officers or Either of them are hereby authorized and Impowered to Examine the borrower and Witnesses upon oath or affirmation if Quakers Concerning the Same A brief Minute of which Examinations & of the names of the persons So Examined they Shall Enter in their Minute book of proceedings

[CHAPTER 668.]

[Chapter 668 of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1738. See chapter 673a. Provided for by chapter 677.]

AN ACT for Granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year at the time & in the manner therein mentioned.

[Passed, December 16, 1737.]

WHEREAS the General Assembly has in this Present Session not only made Sufficient Provision to Discharge the Large Deficiencies which have happen'd in the Support of his Majesty's Government in & over this Colony but Likewise provided means towards Supporting it for Some time to come and to Demonstrate the Zeal & affection of the People of the Said Colony for his Majestys Person & Government, The Said Assembly have provided further Means towards making the Said Support Sufficient for the time and in the manner hereinafter mentioned, For which purpose

BE it Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same that there Shall be and hereby is given & Granted to his Majesty his heirs & Successors for and towards Supporting his Government in & over this Colony, and to and for no other use or purpose whatsoever for the Term of one year, at the time and in the manner hereinafter Mentioned, The following Duties & Impositions on the Several goods and Merchandizes here under Mentioned, which shall be Imported OR Sold at Publick Vendue in this Colony from & after the Thirty first Day of December in this present year one thousand Seven hundred & Thirty Seven until the thirty first Day of December which will be in the year one thousand Seven hundred & thirty Eight, that is to Say.

For every Negroe Mollatto Indian or other Slave of Four years old or upwards Imported Directly from Affrica, Five ounces of Sevil Piller or Mexico Plate or Forty Shillings in Bills of Credit made Current in this Colony.

For every Such Slave as aforesaid of four years old ~~or~~ upwards Imported from all other Places by Land or water the Sum of four Pounds in Like Money

For every Pipe of wine without Distinction or Exception nor any other allowance than what is herein after Explained, from all Places whence the Same may Legally be Imported the Sum of Thirty Shillings in Like money, and after that Rate for a greater or Lesser Quantity.

For every Gallon of Rum Brandy or other Distilled Liquors, as likewise for every Gallon of Shrub or any other mixed Liquors of which the greater part is distilled Spirits, from all Places whence the Same may Legally be Imported, the Sum of two pence in like money, and the gauge thereof is to be computed as hereinafter is Explained and Directed.

For all European or East India goods Imported from the BRITISH Islands with proper Certificates the Sum of Five pounds in Like money, for every hundred pounds Value prime Cost, and after that Rate for a greater or Lesser Value.

FOR every hundred weight of Cucco (Reckoning one hundred & Twelve pounds to the hundred) The Sum of four Shillings in Like money, and after that Rate for a greater or Lesser Quantity to be computed or weighed as herein after is Directed & Explained.

AND for every hundred pounds worth of Goods wares & Merchandizes of what kind Soever (Except Goods belonging to the

Crown, the Excise, Houses, Lands, Ships, Vessels, Goods and Effects of Deceased Persons or destrained for Rent or taken in Execution, Household Goods, Utensils for Husbandry & all Horses neat Cattle & Sheep) Which shall be Sold by Publick Auction or Vendue within this Colony during the continuance of this Act, The Sum of Three Pounds in Like Money, and in that Proportion for a greater or Lesser value.

AND to avoid and Clear up Disputes that may happen concerning the Duty of Slaves, Be it Enacted by the Authority Aforesaid that all Slaves Imported from Africa, in the Same Vessell which took them on board on any part of that Coast, Shall be subject to Pay no greater Duty for each of them, than the Said Forty Shillings Th'o Such Vessell had STOPPED or Entered in any other Port or Ports before her Arrival here PROVIDED that the Master or Mate & Some other Officer which came in Such Vessel from Africa, make oath before the Treasurer of this Colony, that all & every the Slaves So Imported here were Actually taken on board of that Vessell on the Coast of Africa, and that They have not been Landed or put a Shore at any place Since they were taken in by that Vessell on the Said Coast.

BE it provided & Enacted by the Authority Aforesaid that all Such Slaves as belong to the Navigation of any Vessell & Slaves coming from or going to the Neighbouring Colonies upon the Service of their Masters or Mistresses, and Such as are under the Age of four years, Shall be & hereby are Exempted from the Duty by this Act imposed on Slaves

BE it further Provided & Enacted by the Authority aforesaid that every Person or Persons coming here Singly or with their Family either for their health or to Reside in the City or Colony of New York Shall be allowed Duty Free all Such Slave or Slaves as he She or they Shall bring with them, for his her or their particular Service, Provided that the owner or owners of Such Slave or Slaves Shall give Sufficient Security to the Treasurer within four Days after the Importation thereof THAT whenever Such Slave or Slaves is or Shall be Sold the Duty Imposed by this Act shall be paid for the Same within two Days after Such Sale, and upon failure of Paying Such Duty the owner or Disposer of Such Slave Shall forfeit the Sum of Ten pounds, and the Slave or Slaves So sold Shall nevertheless be Subject to the Said Duty.

AND if any disputes arise Concerning the Age of Slaves to be Imported, During the Continuance of this Act, Be it Enacted by

the Authority aforesaid, That the Slave or Slaves about which Such Disputes may happen, Shall be Brought before, or viewed by two Justices of the Peace and their Opinion or Judgment thereon Shall Finally determine whether Such Slave be Deemed under or above the age of Four years.

BE it Enacted by the Same Authority that Such of the Slaves So Imported as Aforesaid, as Shall Die within Thirty days after his or her Arrival, Shall be exempted from the Duty before mentioned, Provided proof be made upon oath that he or She was or were Sick at the time of the Landing thereof. And if any Slave or Slaves Should be Sent from the British Islands for the recovery of their health, the Same Shall Likewise be Exempted of the Said Duty Provided Proof is made in manner as aforesaid that Such Slave was Sent hither for the Recovery of his or her health only, and that Security be given to the Said Treasurer to Pay the Duty thereof in case Such Slave doth not die or be Sent back within Eight Months after the Importation or within two Days after the Sale thereof, if Sold here within the time above Mentioned.

AND be it further Enacted by the Authority Aforesaid, that if the owners or Importers of Slaves Shall upon payment of the Duty thereof, desire a Receipt for the Same, the Treasurer is to give it Gratis accordingly, and Such Receipt or Receipts Shall be allowed good Proof that the Duties are paid for the Slave or Slaves to be Mentioned therein.

BE it Enacted by the Same Authority that all wines Imported in this Colony during the Continuance of this Act, Shall be Liable to Pay the first Duty therein Mentioned if filled up on board or a Shore, Whether they are Sound or Prickt, But if the Same are not filled up on board or on Shore, an allowance or deduction is to be made of Ten per Cent out of the Said Duty on the whole Parcel which each Merchant or other Person Shall Import in each Vessel respectively. Provided nevertheless That if of any Such Parcel or Parcels of wine it SHALL appear upon oath before the Said Treasurer by the Master mate or one of the Mariners of the Vessel Importing the Same, that one or more Pipes or other Casks thereof are Staved or wholly Leaked out, no Duty Shall be Demanded or Paid for the Pipe or other Cask that Shall so appear to be Staved or wholly Leaked out, and if Such Person or Persons as have only one or two Pipes or other Cask of Wine on board of any Particular Vessel one half part or more thereof Should happen to be Leaked out, Duty Shall be paid for So much

only as Shall Remain therein for ascertaining of which Such Cask is to be gauged at the Charge of the Importer by a fit Person to be named or Appointed by the Treasurer for that Purpose

AND as well for the Ease of Merchants as to Save to the Colony the Salary of a Guager. BE it Enacted by the Authority Aforesaid that all Persons Importing During the Continuance of this Act, any Rum Brandy or other Distilled Liquors, as Likewise Shrub or any other mixed Liquors whereof the greater part is Distilled Spirrits, Shall enter the Same with the Treasurer of this Colony before its being Landed and at the Same time Produce to him the Original Invoice or Invoices thereof, and make oath before him that Such Invoice is Real and true According to the best of his or her knowledge, and in this Case the Quantity of Gallons is to be Ascertained ACCORDINGLY and if the Cask are not filled up on board of the Vessell Importing the Same or on shore, the following Deduction is to be allowed out of the Said Invoices, That is to Say, on Such Liquors from the West Indies, five per Cent and from the Neighbouring Colonies three pr. Cent, and the neat Quantity of Gallons is to be Ascertained accordingly, But if the Cask are filled up in manner as Aforesaid then the full Quantity is to Pay the Duty before mentioned, and if no Such Invoice is Produced and Swore to as Aforesaid, the Cask are to be Gauged at the Charge of the Importer by a Fit Person to be Appointed or named by the Said Treasurer and the neat Quantity of Gallons is in this case to be Ascertained accordingly

AND whereas Masters or Comanders of Vessels often have Some Remains of Liquors Left of their Sea Store when they Arive into this Port, Which its pretended ought to be free of Duty, Be it Enacted by the Same Authority that if Such Remaining Sea Store doth not exceed the Quantity of Ten Gallons of wine or Ten Gallons of Rum or other Distilled Liquors, the Same Shall Pass free of Duty, but for what Such Stores Exceed the Said Quantity, Duty Shall be paid acording to this Act

BE it further Enacted by the Authority Aforesaid, that of all European or East India Goods to be Imported During the Continuance of this Act from the Brittish Islands in the West Indies, the Importer or the Person Entring the Same, Shall in their respective Entries thereof, Set down and Mention the prime Cost of Such Goods and make oath before the Said Treasurer, That Such Value is According to the Invoice thereof Sent to him or her or brought by him or her from the Island or Islands Such goods came, and that He or She believe Such Invoice is Real & true,

and if any Dispute Should arise concerning Such Value the Said Treasurer is to Nominate & appoint one Credible Merchant & the Importer another who are to Appraise Such goods to the best of their Judgment and according to Such Appraisement which is to be at the Sole Charge of the Importer the Real value of Such goods is to be Ascertained

BE it further Enacted by the Authority aforesaid that all Persons Importing Cacao During the Continuance of this Act Shall enter the Same with the Treasurer of this Colony before its being Landed and at the Same time produce to him the Invoice or Invoices thereof and if the Same doth thereby Appear to be in English weight the Tare of the Cask or thing containing it is only to be deducted But if it so Appears to be in Dutch weight the allowance herein before mentioned, as Likewise the Tare of the Cask Shcroons or Baggs wherein the same is contained is to be deducted and the neat Quantity is to be ascertained accordingly, and all Such parcel and Parcels of Cacao of which no invoice or invoices is or are produced are to be weighed AT the Sole Charge of the Importer or the Person Entring the Same and where Invoices are Produced the Person Producing the Same is to make oath before the Said Treasurer, that Such Invoice is Real & true to the best of his or her knowledge or belief, otherwise Such Cacao is to be weighted at the Sole Charge of the Person Importing or Entring the Same in manner as aforesaid

AND for Securing the Duty hereby Lay'd on goods Sold at Publick Auction or Vendue, Be it Enacted by the Same Authority, that the Vendue Master or whatever other Person or Persons who Shall during the Continuance of this Act Sell & dispose of any of the before mentioned goods wares or Merchandizes (Except of Such are herein before particularly Excepted) at Publick Auction Vendue or outcry, Shall at the End of every three Months during the Continuance of this Act, or within fourteen Days thereafter, give an Exact and true Account upon oath to the Treasurer of this Colony, of all the above mentioned Goods & other things Chargeable by this Act, Sold by him or them respectively, at Publick Auction Vendue or outcry and at the Same time to Pay unto the Said Treasurer the Sum of three pounds for Every hundred pounds worth of goods so sold by him or them and after that rate for a greater or Lesser Value so Sold by him or them; and as a Reward to Such Vendue Master or other person for keeping BOOKS rendring Accounts, and Paying the Said money to the Said Treas-

urer, It shall be Lawfull for him and them to retain in his or their hands the Sum of Five pounds for every hundred pounds he or they Shall so pay as Aforesaid unto the Said Treasurer, and after that rate for a greater or Lesser Sum which he or they Shall so Pay to the Said Treasurer from time to time during the Continuance of this Act.

AND for enabling the Vendue Master or whatsoever person or Persons that Shall Sell goods at Publick Auction Vendue or outcry to receive and Pay the Duty Imposed by this Act. Be it Enacted by the Authority Aforesaid, That if any person or persons owner or owners of any Such goods so Sold as aforesaid and for which the Said Duty Shall become Due Shall after Such Sale thereof, & demand of Such Duty by the Said Vendue Master or any other Person or Persons who Sold the Same Neglect or Refuse to Pay the Said Duty that it Shall then and in Such Case be Lawful for the Said Vendue Master or other person or Persons, and he and they are hereby fully Authorised and Impowered to distrain the Goods and Chattels of Such Person or Persons so Refuseing or neglecting to Pay the Said Duty and the Distress so taken to keep for the Space of ten days at the Charge of the owner thereof and if within that time the owner do not pay the Said Duty so distrained for then the Distress is to be Publickly Sold for PAYMENT of the Said Duty and the over plus (if any be) after the Charge of taking keeping & Selling the Said Distress is deducted to be Immediately restored to the owner thereof

AND for the more Effectual Securing the Payment of the Several Duties Imposed by this Act, Be it Enacted by the Authority Aforesaid, That the Master mate or Purser of every Ship or other Vessel which Shall duing the Continuance of this Act come into any Port Creek or Harbour within this Colony, to Trade or Traffick Shall not only make report to his Majesties Collector or his Deputy According to Law but Shall Likewise Repair to the Treasurer of this Colony within Forty Eight hours after his Arival in the Port of New York and make to him a full and true Report of all & every Parcel and Parcels of the Several goods & Comodities whereon a duty is Layd by this Act which were on board of Such Ship or Vessel at her Arival within this Colony, and to deliver an Exact & true Manifest thereof under his hand to the Said Treasurer Mentioning therein the Quantity of Such Dutiable goods & the name & names of the Person and Persons to whom the Same

belong or are Consigned, and at the same time to take the following Oath or Affirmation before the Said Treasurer to wit **I** of the called the

do Swear or Affirm that this Manifest is true and that no more or OTHER Slaves Wine Rum or other distilled Liquors Shrub Cacao or Dutiable dry goods were on board of the Said Vessel when She Arrived within this Colony, than those Mentioned in the Said Manifest

In which first blank is to be put the name of the Person taking the oath or Affirmation, and whether he is Master mate or Pusser. In the Second blank the Nature of the Vessel, Whether Ship Snow Brggantine Scooner &c and in the third the name of Such Vessel, and to add thereto the name of the Place She came Last from

AND to the End Vessels bound to or Intending for this Colony which have on board Wine or Rum belonging or Consigned to other Colonies, may not be Discouraged to come Directly hither Be it Enacted by the Same Authority, that whenever the Case Shall so happen, the Person making report & delivering in a Manifest of the whole Lading in the manner before mentioned is distinctly to mention therein the Quantity of the wine & Rum bound Elsewhere together with the name or names of the Person or Persons, as also the Place or Places the Same belong or are consigned, and at the Same time to add to the before mentioned oath and I do further Swear (or Affirm) That for the goods Mentioned in THIS manifest to be bound Else where I actually Signed bills of Lading for that purpose at the place I took them in, and the Wine or Rum so Sworn to, Shall and may be carryed to the Place they are So consigned either in the Same Vessel or in another Provided the Exporter do first make oath before the Treasurer, That Such Liquors are not Designed or Intended to be Landed or brought back into this Colony, and all such wine or Rum so Reported Sworn to & Exported as aforesaid Shall be Free of the duty Imposed by this Act any thing therein to the Contrary notwithstanding

BE it further Enacted by the Authority Aforesaid that if a Master or Commander of any Vessel comeing to Trade or Traffick in this Colony Shall omit or neglect to make Such report as Aforesaid to the Treasurer within the time before Mentioned or Land or put on shore in any manner whatever within the Limits or Jurisdiction of the Said Colony, any of the before mentioned Dutiable goods (Except Slaves attending on their Masters

or Mistresses) before Such Report and oath is made in manner as aforesaid Every Such Master or Commander so Offending Shall forfeit to his Majesty his heirs & Successors the Sum of one hundred Pounds currant money of this Colony one third whereof for the Support of his government in this Colony, and Payd to the Treasurer thereof for that Purpose One other third to the Governor or Commander in Chief and the other third to the Person who Shall Sue for & Prosecute the Same to Effect, by bill plaint or Information in any court within this Colony, Provided Such Suite be brought Six months after the Fact is committed & not at any time thereafter

BE it further Enacted by the Same Authority that if any Merchant Factor or other Person Shall presume to Land or put on Shore any of the before mentioned Dutiable goods before he or They duely Enter the Same with the Treasurer, and Pay or Secure to him the Payment of the Duty thereof according to this Act, all Such Dutiable goods so Landed or put on shore (Except Slaves Attending on their Master or Mistresses) Shall be forfeited recovered by applyed & Divided in manner as aforesaid

BE it also Enacted by the Same Authority That after Report and Entry is made in the manner before directed of any Ship or Vessel comeing to Trade or onload in this Colony every Merchant Factor or other person having dutiable goods on board of Such Vessel or Some other person in his or their behalf Shall make particular Entry of Such goods to the Treasurer for the time being and at the Same time pay to him the Duties thereof if the Same do not exceed the Sum of Ten pounds and if Such Duties exceed THAT Sum He She or they so Entring or owning Such goods shall well & Sufficiently Secure the Same to be Paid within three months after the Date of the Entry of Such goods, by Bills or bonds at the Discretion of the Said Treasurer, who is thereupon to give to the Person so paying or so Securing the Payment of Such Duties a Certificate gratis to the Land or Tide Waiter of the Colony Duty, that the duties are paid or Secured for Such goods according to this Act, & upon Such Certificate the goods to be therein Mentioned, Shall be permitted to be Landed and housed without any manner of hinderance or Obstruction

BE it further Enacted by the Same Authority that if the Duty Imposed by this Act Shall not be paid within three Months after the Date of their Respective Entries, the Said Treasurer Shall in

Such case be and hereby is fully Authorized & Impowered to cause process to be Issued for the Duties which have been owing Longer than the Said three Months against all and every person or persons owing the Same: and to cause the Like process to be made against every Such person & persons as do owe or Stand Indebted for any Duties or arrears of Duties arisen by Virtue of an Act Entituled an Act to Repeal the Act and to cancel the bills of Credit therein Mentioned, and to grant unto his Majesty Several Duties for Supporting his Government in the Colony of New York until the first Day of September which will be in the year one thousand Seven hundred & Thirty Seven passed in the Sixth year of his present Majesties Reign: and so likewise for all arrears of Duties arisen by VIRTUE of the Act repealed by that Act last mentioned; And in all Suites at Law for any Duties to arise by Virtue of this Act, and for all arrears of Duties of the before mentioned acts, all Courts in this Colony are to allow the Entry or Entries of the Importers with the Treasurer to be good and Sufficient Evidence in Law. And for the Purposes aforesaid Such part only of the above mentioned Acts (th'o Repealed or Expired) Shall be of Force as is or may be requisite to Recover Such Debts & arrears as aforesaid

BE it also Enacted by the Same Authority, That if the Treasurer shall not cause Process to be made for any Duty to arise by Virtue of this Act at the End of the three Months hereby Limited for the Payment thereof, Such Duties and the Arrears thereof as He shall so Omit to Sue for Shall be Deemed Assets in his hands, and he shall in Such case be answerable for the same accordingly.

AND to the End the Said Treasurer may in the Case above Mentioned not be Left Remedyless, Be it Enacted by the Authority Aforesaid, that he shall and hereby is fully Authorized & Impowered to Comence Suites in his Majesties name, But at his own Cost and Charge for such part of the above Mentioned Duties as by the foregoing Clause he is made answerable for

AND for the better Inspection of the Said Duties in the Port of New York, Be it further Enacted by the Same Authority THAT during the Continuance of this Act all Masters of Vessels having dutiable goods on board & made report thereof to the Treasurer Shall Likewise Acquaint the Said Land & Tide Waiter, at which of the Wharfs or usual Landing places he Intends to put Such goods on shore, and if Such Master presumes to Land them at any other Place (Unless by permission of Such officer) He

shall forfeit th'o the goods were duly Entered the Sum of Five pounds to be recovered before any two Justices of the Peace who are hereby Impowered to hear & Determine the Same, one half of which Forfeiture is to be paid to the Treasurer towards the Support of this Government, and the other half to the officer that Shall Sue for and Recover the Same, Provided nevertheless that Slaves may be Landed at any other Place as soon as the Master has made Report thereof to the Treasurer in manner as is before Directed

AND for the end before mentioned Be it Enacted by the Authority Aforesaid, that a Land & Tide waiter of the Colony Duty in the Said Port of New York, to be appointed by the Lieutenant Governour or Comander in Chief for the time being Shall be & hereby is vested with all proper power to Execute that office accordingly & Strictly charged & Required Dilligently & constantly to attend & perform that Service in the best manner he is able as well for Preventing Frauds & abuses in the Duties Imposed by this Act as to give no Delay to Merchants or Masters OF Vessels in the dispatch of their Business, and for his Service in that office during the Continuance of this Act, He shall be allowed the Sum of Thirty Pounds out of the Duties to arise thereby when the Same Shall by a future Act be Applied & Appropriated and before he takes upon him the Execution of that Office, He shall be obliged to take an oath that he shall well truely & Faithfully Execute the Duty required of him by this Act, according to his best Skill and understanding

AND to the End Trade & Navigation may meet with all reasonable dispatch, Be it Enacted by the Authority Aforesaid that the Treasurer of this Colony Shall & hereby is fully Authorized Impowered & Required to administer all & every the oaths or affirmations by this Act Directed to be taken by Masters mates or Pussers of Vessels or by Merchants & Importers of Dutiable Goods, for administring of which no Fee or Reward is to be taken.

BÉ it Provided & Enacted by the Same Authority that if any of the goods hereby made Dutiable, & for which the Duty has Actually been paid, Should be Exported out of this Colony & afterwards returned to & be ReImported within the Same, Such goods Shall be Free from paying a Second Duty for Same, Provided oath be made before the Treasurer that the Duty has been Actually Paid for Such goods, the time when, and in what Vessel and from What place the Same were first Imported in to this Colony.

AND to this End the Duties Imposed by this Act may be Secured in the District or County of Suffolk, Be it Enacted by the Authority aforesaid, That Brinly Sylvester Esq'r Shall be & hereby is Appointed the Officer of the Colony Duties in the District or County Aforesaid, and in case of his Death or Removeal before the Expiration of this Act Such other fit & discreet person Residing in the Town of Southhold or Shelter Island as Shall be Commissionated by the Lieutenant Governour or Commander in Chief for the time being with the approbation of the Council until another Shall be Appointed by the General Assembly for the Same purpose & he shall & hereby is fully Authorized Impowered Directed & Required to manage Secure and Receive the Several Duties Imposed by this Act, of all Such goods & Merchandizes as shall be Imported in the District or County aforesaid during the Continuance of this Act & of all the Duties to arise there he is to keep Exact & true Books, and every Six months to Transmit true Coppys thereof to the Treasurer of this Colony together with all & every Sum & Sums of money which he shall receive by means of the Said Duty, and the receipts thereof from the Said Treasurer Shall be a Sufficient Discharge to him for so much as Shall therein be Mentioned to be Received

BE it likewise Enacted by the Same Authority that in all Matters relating to the Said Duties in the District & County aforesaid the Officer above mentioned Shall in every respect & to all Intents and Purposes have the Same Power & authority to do perform & Execute all & Singular the Power Duties & Functions in the Said District & County as in this Act is given to & Required from the Treasurer & the Said Land & Tide Waiter For the Port of New York in as full & ample manner as if the Same Powers Duties & Functions were particularly & at Large Recited in this Clause, and he is hereby required to Act accordingly

AND for the more Regular & Effectual Secureing & receiving the Money to arise by the Aforesaid Duties within the Said District & County Be it Enacted by the Same Authority that all Masters Mates or Pursers coming to Trade or Traffick there & all Merchants Factors and all other persons whether Acting for themselves or others & Likewise all the Said Dutiable goods to be Landed in that District, Shall be Subject & Lyable to all the rules Regulations & Injunctions, & Lyable to the Same Fines Penalties & Forfeitures as are herein before Enacted for the Port of New York as well under the Management of the Treasurer as

under the Inspection of the Said Land & Tide waiter as fully and amply to all Intents constructions & Purposes whatever as if the Clauses relating thereto were at Large Incerted in this Clause

Be it Enacted by the Authority Aforesaid that the Said Officer in Suffolk County Shall before he Enter upon the Execution of that OFFICE give the Same Security & take the Same oath as in that behalf is Directed in & by a Repealed Act Entituled an Act to Repeal Some parts & to continue other parts of the Act therein Mentioned, & for granting Several Duties to his Majesty for Supporting his Government in the Colony of New York from the first Day of September one thousand Seven hundred & Twenty Eight until the first Day of September which will be in the year one thousand Seven hundred & Thirty two, passed in the Second year of his Said Majesty's Reign

BE it Enacted by the Same Authority that the aforesaid Officer in Suffolk County Shall appoint an honnest able Person to Gauge all Such Dutiable Liquors as for want of Producing Invoices & Swearing to them in the manner herein before Mentioned Shall be Lyable to be Gauged, which is to be performed at the Charge of the Importer and not to Exceed nine pence for Each cask

BE it also Enacted by the Authority Aforesaid that all Fines Penalties & forfeitures which may happen to become Due in the County of Suffolk Shall be recovered Divided & applyed as herein before is Directed Provided allways that all Dutiable goods which Shall be Carryed from the Port of New York and of which the Duty has been paid there, Shall not be Lyable to Pay any Duty in the Said County

BE it likewise Enacted by the Same Authority that it Shall BE lawfull to and for the Said officer in Suffolk County to retain in his hands the Sum of one Shilling & Six pence on every pound which he shall receive by Virtue of this Act, and Pay unto the Treasurer in pursuance thereof as a Reward for the Services hereby Directed to be performed by him

AND whereas it is credibly aledged that many Slaves have been Clandestinely brought to & Sold in Several Counties of this Colony Be it Enacted by the Authority aforesaid that the Treasurer Shall be & hereby is Directed Impowered & required to depute proper Persons in Such City & County where negroes or other Slaves have been or Shall be so brought or Sold, for recovering & Receiving the Duty to which Such Slave is by this Act or were by any former Act or Acts Lyable & Subject: and to trans-

mit unto the Said Treasurer all the Said Duties so Soon as they or any of them Receive or Recover the Same and the Said Deputies are hereby fully Impowered to Demand & receive for his or their use, from the owner or Possessor of Such Slave or Slaves the Sum of two Shillings in the Pound over & above the neat Duty thereof.

AND for as much as the Present owners or Possessors of Slaves so Clandestinely brought to & Sold in any of the Said Counties might be Ignorant of Such undue Importation, Be it Enacted by the Authority Aforesaid that if the Said owners & Possessors of Such Slaves or Slave give Sufficient Security to Pay the Duty of Such Slave or Slaves for paying the Same before the Expiration of Six Months thereafter then & in Such Case no further proceedings Shall be made against Such owner or Slave. But if no Such Security is given on Demand made by Such Deputy or Deputies then & in Such Case Such Slave or Slaves Shall be Seized by Such Deputy or Deputies, & the Owner or Owners thereof, as Likewise Such Slave or Slaves is & are to be Proceeded against in Such Manner as in this or any former act is provided & Directed. And if the Seller or Importer of Such Slaves Shall not be Residing in this Colony, He or they at his return to or within the Same Shall be Subject & Lyable to Pay Double the Duty which the present owners or Possessors thereof Shall have Paid for the Same to be recovered by the Party grieved with Double Cost for his own use in any Court of Record within this Colony by Action of Debt or Otherwise, wherein no Essoyn Protection or Wager of Law or any more than one Imparlance Shall be allowed, and Such Deputies as aforesaid Shall be appointed by the Treasurer within Twenty Days after the Publication of this Act.

BE it further Enacted by the Authority Aforesaid THAT all the Sum and Sums of Money which Shall arise by Virtue of this Act, Shall be paid to Abraham De Peyster Esq'r the present Treasurer of this Colony, or to the Treasurer thereof for the time being, who is hereby Impowered to Receive the Same and the Receipts to be passed by him for that purpose Shall be good & Effectual in Law to the Person or Persons paying Such Sum or Sums of Money for so much as Shall therein be Mentioned to be received

AND whereas the Business of the Treasury requires a Constant Attendance for the Dispatch of Masters Merchants & other persons, Be it Enacted by the Same Authority that whenever it Shall

happen that the Treasurer is Indisposed or out of Town it Shall and may be Lawfull for him from time to time to constitute a fit Deputy under him, who thereupon Shall have the Same Power to transact the Affairs of the Treasury as are hereby given to the Treasurer himself, allways Provided that he shall be answerable & Accountable for all & every Act done by Virtue of Such Deputation, in the Same manner as if Such Act was done by himself

BE it further Enacted by the Authority Aforesaid that all the money to arise by Virtue of this Act, Shall remain in the Treasury UNTIL the Same Shall be Applyed appropriated & disposed of for and towards Supporting his Majesties Government in & over this Colony by Act or Acts of the General Assembly hereafter to be Passed for that Purpose and if the Said money or any part thereof be Issued paid or applyed by the Treasurer before the Passing of Such Act or Acts as aforesaid, under any Colour Warrant or Order whatever, or in any other Manner than what Shall by Such Act or Acts be Directed, it Shall be Deemed a Misapplication & the Said Treasurer Shall be Accountable & answerable for the Same Accordingly.

AND be it likewise Enacted by the Same Authority that of all & every the Sum & Sums of Money which the Said Treasurer Shall Receive by Virtue of this Act, He shall keep Exact & Distinct Books & render Accounts thereof upon Oath to the Lieutenant Governour or Commander in Chief for the time being, to the Council & to the General Assembly when by them or any of them thereunto Required

[CHAPTER 669.]

[Chapter 669 of Livingston & Smith and Van Schaack, where the title only is printed.]

[An Act to Enable the Corporation of the
City of New York to Raise the Sum of Two
hundred and fifty pounds for the uses therein
mentioned]

[Passed, December 16, 1737.]

FORASMUCH as the Corporation of the City of New York have for Several Years past out of the Revenue thereof (for the Ease of the poor Inhabitants) Defrayed the Expence of the Night Watches, Built and Erected a Convenient Tenement for a Workhouse and House of Correction Repaired the Market Houses Dock wharfe & Bridges for the benefite of Trade and Commerce and Expended other large Sums of Money in Repairing part of their

City Hall Gaols and other Necessary and Contingent Charges whereby the Treasurer of the said Corporation is so much Exhausted that they are at present unable to make those Repairs to their City Hall which are now Absolutely Necessary.

AND INASMUCH as Richard Nicholls Esq'r Coroner of the City of New York has a Demand upon the said City for taking Several Inquisitions on people who Came by Accidental Deaths.

BE IT ENACTED by his Honour the Lieutenant Governour the Council and the General Assembly of this Colony And it is hereby Enacted by the Authority of the same That it shall and may be Lawfull for the Mayor Recorder Aldermen and Assistants of the City of New York for the time being Convened in Common Council or so many of them as do make a Common Council at Such time as they shall Judge most Convenient after the Publication of this Act and before the first Day of May next to Come to order the Raising the Sum of Two Hundred and fifty pounds by a Tax upon the Estates Real and personall of all and every the ffreeholders, Freeman, Inhabitants Residents and Sojourners within the said City of New York. PURSUANT to which Order in Common Council so made the Mayor of the said City for the time being Shall forthwith thereupon Issue his Warrants to the Assessors and Collectors of each respective Ward within the said City of New York for the time being to make such Assessments and Collections And upon Neglect Refusal or Nonpayment the said Collectors are hereby Authorized to Levy the same by Distress and Sale of the Goods and Chattells of Such person or persons who shall Neglect Refuse or Delay to pay the same, Immediately restoreing to the Owners the Overplus (if any be) All which Sum and Sums of Money to be Levied Collected and paid as aforesaid shall be paid by the Respective Collectors aforesaid unto the Treasurer of the said City of New York for the time being there to remain untill the same be Ordered for the purposes herein after mentioned by Order of the Common Council of the said City and by Warrant under the hand and Seal of the Mayor for the time being pursuant to Such Order.

AND BE IT ENACTED by the Authority aforesaid that the Sum of Thirty Pounds out of the first money to be Raised by virtue of this Act shall be paid unto Richard Nicholls Esq'r in full Satisfaction and Discharge of all his Claims and Demands to this Day upon the said City as Coroner thereof And the Remaining Sum of Two hundred and Twenty Pounds shall be

applied for Shingling and New Covering the said City Hall Laying or Covering the floors of the Assembly Chamber Lobby and Court Room and other Repairs needful and Necessary to be made to the said City Hall

AND BE IT ENACTED by the Authority aforesaid that the said Mayor Recorder and Aldermen of the City of New York for the time being or any one of them shall have power and Authority by virtue of this Act and are Required to Administer an Oath to the said Assessors and every of them well truly equally Impartially and in due proportion according to the best of their understanding to Assess and Rate all and every the freeholders freemen Inhabitants Residents and Sojourners of the Respective Wards for which they are Chosen Assessors.

AND be it further Enacted by the Authority aforesaid that if any person or persons who are or shall be Chosen Assessors or Collectors in the said City of New York for Each Respective Ward thereof shall Deny neglect or Refuse to make such Assessment as by this Act is Required or shall Deny Neglect or Refuse to Collect any Sum or Sums of Money in manner before mentioned Laid Taxed and Assessed Every Such Assessor or Collector shall for such offence forfeit and pay the Sum of Twenty Pounds to be Recovered by Action of Debt, Bill, Plaint or Information in any Court of Record within this Colony by any person who shall Sue for and prosecute the same to Effect One halfe of which forfeiture shall be paid to the Treasurer of the said City and applied towards Repairing the said City Hall And the other halfe to the person who shall Sue for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid that over and above the said sum of Two hundred and fifty pounds to be Levied and paid by virtue of this Act the Sum of Nine pence in the pound for the Collectors and Six pence in the Pound for the City Treasurer Shall be Assessed Levied and paid to the Respective Collectors and the City Treasurer aforesaid for Collecting Receiving and paying the same according to the true intent and meaning of this Act, any thing herein Contained to the Contrary notwithstanding And that the said Treasurer shall keep a true Seperate and Exact Account of all Such Sum and Sums of Money as shall be by him so Received and paid and such Account give and Render at all times unto the Mayor Recorder Aldermen and Assistants of the City of New York for the time being Convened in Common Council when by them he shall be thereunto reasonably required

[CHAPTER 670.]

[Chapter 670 of Livingston & Smith and Van Schaack, where the act is printed in full. The number of firemen is increased by chapter 1198 and chapter 1367.]

An Act for the better Extinguishing
ffires that may happen in the City of New
York

[Passed, December 16, 1737.]

WHEREAS the Inhabitants of the City of New York of all Degrees have very Justly acquired the Reputation of being Singularly and Remarkably famous for their Diligence and Serviceableness in Cases of ffires AND WHEREAS the same Inhabitants have at a very great Charge and Expence Supplied themselves and are provided with To ffire Engines And various Sorts of Poles Hooks Iron Chains Ropes Ladders and Several other Tools and Instruments for the Extinguishing of ffires AND WHEREAS notwithstanding which many Houses have frequently been Burnt Consumed or very much Damaged by ffires unfortunately happening in the same City before such ffires Could (notwithstanding all Diligence Used) be Extinguished, often to the Great Damage of Owners and might happen to be to the Impoverishing and utter Ruin of Many of the Good people of the same City thé Rage and Violence of which for the future may be in great part prevented if a Sufficient Number of Skilfull persons be appointed to have the Care management and working of the said Fire Engines and other Tools and Instruments for Extinguishing of ffires in Cases of such Casualty and Distress that may hereafter happen BE IT THEREFORE Enacted by his Honour the Lieutenant Governour the Council and the General Assembly and it is hereby Enacted by the Authority of the same That from and with all Convenient Speed after the Publication hereof it shall and may be Lawfull to and for the Mayor Aldermen and Commonalty of the City of New York or the Major part of them in Common Council Convened and they are hereby required to Ellect Nominate and appoint a Sufficient Number of Strong able Discreet honest and Sober Men willing to accept (not exceeding fforty two in Number) whereof an equall Number shall be Elected or appointed out of the Six Several Wards of the said City on the South Side of ffresh Water of the Inbahitants being ffreemen or ffreeholders of the said City to have the Care management working

and using the said fire Engines and the other Tools and Instruments for Extinguishing of fires that may happen within the said City which Persons so to be Elected Nominated and appointed as aforesaid shall be Called the firemen of the City of New York and who with the Engineers of the same City are hereby required and Enjoyed always to be Ready at a Call both by Night as well as by Day to Manage work and use the same fire Engines and others that may hereafter belong to the same City and the other Tools and Instruments for Extinguishing of fires that may happen or brake out in the City aforesaid AND in Order to Compell and Oblidge the firemen so to be Elected Nominated or appointed as aforesaid to be Diligent Industrious and vigilant in the Execution and Discharge of their office and Duty BE IT FURTHER ENACTED by the Authority aforesaid that the Mayor Aldermen and Commonalty of the said City for the time being in Common Council Assembled or the Major part of them are hereby Authorized and Impowered to Remove and Displace all or any of the firemen so as aforesaid to be Elected Nominated or appointed when and as often as they shall think fit And others in the Room or places of such as they shall remove or Displace to Elect Nominate or appoint and put in and so from time to time as they the Mayor Aldermen and Commonalty aforesaid for the time being in manner aforesaid shall see Convenient.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the persons so to be Elected Nominated or appointed Firemen as aforesaid and each and every of them from time to time During the Continuance of being in the Office of firemen and no longer shall and are hereby Declared to be freed Exempted and priviledged from the Severall Offices of Constable and Surveyor of the Highways and of and from the being put into or serving upon any Juries or Inquest And of and from being Compellable to Serve in the Malitia or any of the Independent Companies of or in the said City or any or either of them Except in Cases of Invasion or other imminent Danger And the Names of Such persons to be Elected Nominated or appointed firemen by virtue hereof from time to time shall be Registered & Entered with the Clerk of the peace for the said City And if at any time after the Publication of this Act and the Electing Nominateing or appointing firemen by virtue hereof any Such person or persons Elected or appointed firemen as aforesaid shall be Chosen Elected or appointed into any of the said Offi-

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AND BE IT FURTHER ENACTED by the Authority aforesaid that it shall and may be Lawfull to and for the Mayor Aldermen and Commonalty of the said City for the time being or the Major part of them and met as aforesaid to make Establish and Ordain Such Rules Orders Ordinances and Regulations in Respect of the Government Conduct Duty and behaviour of the persons from time to time to be by them Elected Nominated or appointed firemen by virtue of this Act in the working managing and frequent Exercising Trying & using of the same Fire Engines Tools and other Instruments and to Impose and Establish such Reasonable fines Penalties and forfeitures upon them or any of them for Default or Neglect of the Duties Businesses and Services thereby to be Enjoyned or Required from them as to the Mayor Aldermen and Commonalty of the same City for the time being or the Major part of them met as aforesaid shall from time to time think meet and Convenient

AND BE IT FURTHER ENACTED by the Authority aforesaid that upon the Breaking out of any fire within the City of

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[CHAPTER 671.]

[Chapter 671 of Livingston & Smith and Van Schaack, where the title only is printed. The original of this act is not in the office of the Secretary of State. It appears to be lost. From the Minutes of the Council it appears that an act of this title was passed December 16, 1737. The title here printed is copied from Livingston & Smith. Livingston & Smith and Van Schaack state that the act is lost, but that by Zenger's Edition it appears that that part of the act repealed is what relates to Westchester, in chapter 583.]

An Act further to encourage the destroying of Wolves, in the County of Westchester, and to repeal part of the act therein mentioned.

[Passed, December 16, 1737.]

[CHAPTER 672.]

[Chapter 672 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for the Preservation of Oysters at & near Richmond County in this Colony.

[Passed, December 16, 1737.]

WHEREAS it is found by daily Experience that the Oyster Beds Lying at & near Richmond County within this Colony are wasted & destroyed by Strangers. The preventing of which will tend to the great benefit of the Poor People & others Inhabiting the aforesaid Colony

BE it therefore Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that no Person or Persons whatsoever not Residing within this Colony from & after the Publication of this Act, do presume Directly or Indirectly to Rake or Gather up any Oysters within this Colony and put

them on board any Canow Periauger Flat Scow Boat or other Vessel whatsoever not wholly belonging to & owned by Persons who live within the aforesaid Colony under the Penalty of Seazing and Forfeiting of all Such Canoes Periaugers Flats Scows Boats or other Vessells as Shall be found doing the Same together with all the oyster shells oyster Rakes Tongs & all furniture & Apparel thereto belonging

AND be it further Enacted by the Authority aforesaid, that the Persons hereafter Named & appointed Shall & are hereby Authorized Required & commanded Strictly to put this Act in Execution & as they or Either of them Shall think fit at all times & Places to enter & go on board of all & every Such Cannoe Periauger Flat Scow Boat or other Vessel whatsoever which Shall be by him or them Suspected to be Transgressing AS aforesaid contrary to the true Intent & meaning of this Act, and all Such person or Persons So found Transgressing as aforesaid by having oysters on board, to Seize & Secure in Such way & manner as He or They Shall think fit, for his Majesties Service Together with all & every the Oysters Shells Oyster Rakes Tongs & all other furniture & apparel thereunto belonging.

Persons names to see this Act put in Execution. &c.

For Richmond County Thomas Billopp John Butler Izrael Dissosway Winant Winants Hendrick Sluyht John Laturatte John Grondine James Egbert Lewis Dubeyes Esqr & abraham Munnet.

AND be it further Enacted by the Authority Aforesaid that the Persons above appointed or hereafter to be Appointed by the Governour or Commander in Chief for the time being for the Execution of this Act, Shall and may at all times & Places as He or They Shall think fit require and Command in his Majesties name Such & so many Persons as He or They Shall think Necessary, to aid and Assist him or them in the Due Execution of this Act.

AND be it further Enacted by the Authority aforesaid that any of the above said Persons who Shall Seize & Secure any of the Vessels afore mentioned in manner & Form aforesaid, The Said Person or Persons Shall Immediately Inform two of his Majesties Justices of ye Peace (the one whereof to be of the Quorum) where Such Seizure Shall be made, who are hereby required forthwith on Such Notice to meet together and upon oath made by any of the aforesaid Persons above appointed or any other Credible witness, Shall give Judgment against & con-

demn the SAME one third part thereof to his Majesty for & Towards the Support of his Government in this Colony, and the other two thirds thereof to the Person or Persons who Seized the Same

AND be it further Enacted by the Authority aforesaid that every Canoe Periauger Flat Scow Boat or other Vessel so Seized Tryed & condemned as aforesaid with all things thereunto belonging Shall by the Said Person or Persons who Seized the Same be Sold at Publick Vendue and one third part of the Produce thereof paid to the Treasurer of this Colony for the time being for & towards the Support of his Majesties Government and the other two third Parts to the Use of the Person or Persons who Seized the Same as aforesaid

AND be it further Enacted by the Authority Aforesaid that if any Master Seaman or other Person on board any Canoe Periauger Flat Scow Boat or other Vessel whatsoever, Shall refuse & not Suffer any of the above named Persons or their Assistance to Enter, or Shall resist before or after Entering, The Person or Persons so offending contrary to this Act Shall forfeit the Sum of Fifty Pounds to be recovered by the Person or Persons so Resisted by Action of Debt in any Court of Record within this Colony with Costs of Suit one third part thereof to his Majesty for Supporting his Government in this Colony, and the other two thirds thereof to the Said Person or PERSONS who shall prosecute the Same to Effect any Law useage or Custom to the Contrary hereof in any wise notwithstanding

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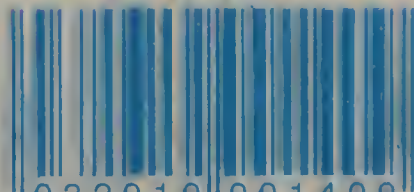
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